



WP(MD) No.5882 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **13.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.5882 of 2024

Thandesan

... Petitioner

/vs./

1.The Commissioner of Police,
Trichy City,
Trichy.

2.The Assistant Commissioner of Police,
Gandhi Market,
Trichy City.

3.The Inspector of Police,
Somarasampettai Police Station,
Trichy District.

... Respondents

(R-2 is suo motu impleaded and the rank of R-3 is re-arranged, vide order dated 13.03.2024 in W.P.(MD).No.5882 of 2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to consider the Petitioner's complaint dated 10.12.2023 within a time stipulated by this Court.

For Petitioner : Mr.T.Selva Kumar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)



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ORDER

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The learned Counsel for the Petitioner submitted that the Petitioner's friend Gopal and Rajeswaran purchased the property in which the sale document was executed with wrong details. Subsequently, when they intended to sell the property, one person viz., Sekar, who acted as a broker, stated that there was an error in the document, which has to be rectified and he demanded money for the same. Therefore, the amount was paid through online payment. Even after receiving the amount, the rectification was not carried out. Therefore, the Petitioner was forced to file a complaint with the second Respondent. Since the second Respondent had not acted on the complaint of the Petitioner, he was forced to file this Writ Petition seeking direction against the Respondents 1 and 2 to take appropriate action as per the representation dated 10.12.2023.

2. The learned Government Advocate (Criminal Side) on instructions from the Respondents would submit that the subject matter paper is pending with the Assistant Commissioner, Gandhi Market, Trichy City. The learned Government Advocate (Criminal Side) would further submit that the Petitioner may be directed to appear before the Assistant Commissioner, Gandhi Market, Trichy City for enquiry. Also he undertakes that as per the circular of Director



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General of Police, Tamil Nadu/head of State Police Force, the Respondent Police are ready to take action against the persons concerned, who had received the money and not carried out the rectification deed.

3. Considering the submissions of the learned Government Advocate (Criminal Side), the second Respondent in this Writ Petition is re-arranged as third Respondent and this Court *suo motu* impleads the Assistant Commissioner of Police, Gandhi Market, Trichy City as second Respondent in this Writ Petition. The Petitioner is directed to appear before the Assistant Commissioner of Police, Gandhi Market, Trichy City for enquiry. The Respondents 1 to 3 shall act as per the reported ruling of the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State Government of Uttar Pradesh*** reported in (2014) 2 ***SSC 1***. If any cognizable offence is made out, the Respondent Police shall register a case and investigate the same.

4. With the above direction, this Writ Petition is disposed of. No costs.

13.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.5882 of 2024

Dated:
13.03.2024