



W.P(MD)No.5316 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.5316 of 2024

Ramaraj,

... Petitioner

Vs

1. The District Superintendent Of Police,
O/o.District Superintendent of Police,
Theni District.

2. The Inspector of Police,
Andipatti Police Station,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to initiate appropriate legal actions based on the petitioner's representation, dated 15.02.2024 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

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



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ORDER

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The learned Counsel appearing for the Petitioner submits that the Petitioner had preferred a complaint to the Deputy Inspector General of Registration, regarding his partner Rajasekaran. It is the submission of the learned Counsel appearing for the Petitioner that the estates of the partnership firm is misappropriated by the partner Rajasekaran. As though it is his properties, he had attempted to encumber the same. Then the Petitioner had preferred a complaint before the Deputy Inspector General of Registration. After due enquiry, the Deputy Inspector General of Registration had passed orders directing the Sub Registrars within the State of Tamil Nadu not to register any document furnished by the partner of the Petitioner by name Rajasekaran. The order was passed by the Deputy Inspector General of Registration vide ந.க.எண். 2208/ஆ4/2021, dated 27.05.2022. The said Rajasekaran was also respondent before the Deputy Inspector General of Registration. Even after passing such an order, the said Rajasekaran had encumbered many of the properties. Aggrieved by the same, the Petitioner had come before this Court seeking a Writ of Mandamus to take appropriate action against the former partner of the Petitioner by name Rajasekaran. The Petitioner had given a representation to the Respondents 1 and 2, dated 15.02.2024.



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Till date, no action was initiated by them.

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2.The learned Government Advocate (Crl.Side) on instructions of the Respondents submits that the subject matter of the dispute with regard to the assets of the partnership firm. Therefore, the Petitioner had to seek the remedy before the competent Civil Court with such an advise, the enquiry was closed.

3.Considering the submission that the Petitioner had given a representation to initiate action against the said Rajasekaran, who had registered the properties in the name of the partnership firm as gift to his son as settlement deed, the Petitioner is directed to appear before the Superintendent of Police, Theni District and give his representation. Based on which, the Superintendent of Police shall depute any of his officers to conduct enquiry as per the guidelines issued by the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***(2014) 2 SSC 1***, and in the case of ***Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]***. Based on the enquiry, if any offences are made out, the respondents are within their discretion to register a case. As observed by the learned Government Advocate



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(Crl.Side), if the matter involves civil dispute, the petitioner shall approach the civil Court.

4. With the above direction, this Writ Petition is disposed of.

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Index :Yes/No
Internet: Yes/No
LR



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To

1. The District Superintendent Of Police,
O/o.District Superintendent of Police,
Theni District.

2. The Inspector of Police,
Andipatti Police Station,
Theni District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

LR

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