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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.10234 of 2022

Sakthivel ... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District,
Sivagangai

2 .The Inspector of Police,
Anti-Land Grabbing Cell,
Sivagangai District.

3.Arjunan ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent herein to consider the petitioner's representation dated 18.04.2022 and to take necessary action within the time limit as may be fixed by this Court.

For Petitioner : Mr.A.Muthukumar

For R-1 & R-2 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R-3 : Mr.K.Navaneetharaja

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O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing the second respondent herein to consider the petitioner's representation dated 18.04.2022 and to take necessary action within the time limit as may be fixed by this Court.

2. The case of the petitioner is that earlier, the petitioner was working in Saudia Arabia for a period of fifteen years and now, he returned to his native and settled in the year 2007 in his hometown. Thereafter, he purchased a property in S.No.37/28 to an extent of 74 cents and 36 cents situated at Athikarai Village, Thiruppuvanam Taluk, Virudhunagar District from five persons, viz., Angusamy, Rajangam, Pandiarasan, Rajamani and Gomathiammal, through a registered sale deed, dated 15.03.2007, vide Document No.663/2007. While such being so, one Arjunan / third respondent herein, has entered into a registered sale deed, dated 10.06.2008 with respect to the very same property by covering 1.90 acres, with one Pandiarasu alone and the third respondent in order to fabricate the petitioner's property had registered the above said land and usurped the property by illegal. The third respondent had committed the said offence with the persons, viz., Chellappa and Lingam. Hence, the petitioner made a complaint before the respondent Police on

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12.04.2022 and since no order was passed by the respondent Police, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents to take necessary action on the representation given by him and pass appropriate orders.

4. The learned counsel appearing for the third respondent would submit that the third respondent has already filed a civil suit in O.S.No.15 of 2022 before the learned District Munsif Court, Thiruppuvanam, seeking for permanent injunction. When the above said suit is pending, this Court cannot give a relief as sought for by the petitioner. Accordingly, he prays for dismissal of this petition.

5. Heard the learned Additional Public Prosecutor appearing for respondent Nos.1 and 2 Police.

6. Admittedly, there was a dispute between the petitioner and the third respondent. It is alleged that the third respondent has fabricated the document and forged the sale deed. When such being the case, the third

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respondent has already filed a suit in O.S.No.15 of 2022 before the learned Principal District Munsif, Thiruppuvanam. Since the said suit is pending, this Court cannot give relief to the petitioner at this stage.

7. Accordingly, this Writ Petition stands dismissed. No costs.

01.02.2024

Index :Yes/No
Internet :Yes/No
TSG
To: -

1.The Superintendent of Police,
Sivagangai District,
Sivagangai

2 .The Inspector of Police,
Anti-Land Grabbing Cell,
Sivagangai District.

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

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M.DHANDAPANI, J.

TSG

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