



WP(MD)No.12887 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.12887 of 2024

John Justus

... Petitioner

Vs

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to take necessary action on the petitioner's compliant dated 09.01.2024 in accordance with law and as per dictum laid down by the Honble Supreme Court in Lalitha Kumari -Vs-Government of Uttar Pradesh and others within the time stipulated by this Honble Court.

For Petitioner : Mr.S.Sathyachidambaram

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor



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ORDER

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The petitioner has filed this writ petition, seeking a Mandamus, directing the respondents to take necessary action on his complaint, dated 09.01.2024.

2.The case of the petitioner is that his brother one John Titus, a practising Advocate along with another Advocate has destroyed his compound wall on 09.01.2024, for which, he has lodged a complaint on 09.01.2024. However, the respondent police has not taken any action on the complaint, since the accused are Advocates. Therefore, the petitioner is before this Court, seeking above direction.

3.The learned Additional Public Prosecutor appearing for the respondents submits that on the very same issue, this petitioner has already filed a writ petition before this Court in WP(MD) No.2962 of 2024. The said writ petition was dismissed on 17.02.2024. This application is verbatim of the grounds and prayer raised/sought for in the earlier writ petition in WP(MD) No.2962 of 2024. He has also placed the order of this Court in WP(MD) No.2962 of 2024.



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4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner has lodged a complaint as against his own brother one John Titus, who is a practising Advocate and he has also added another Advocate that his brother along with another Advocate has committed the offence. In fact, the petitioner has already filed a writ petition before this Court, seeking a Mandamus, directing the respondents, to take necessary action on his complaint, dated 09.01.2024, in accordance with law and as per the dictum laid down by the Hon'ble Supreme Court in the case, Lalitha Kumari -Vs-Government of Uttar Pradesh and others. The said writ petition was dismissed by this Court on 12.02.2024, which is as under:-

"2. The learned Additional Public Prosecutor on instructions from the Respondents would submit that the complaint given by the Petitioner is against his own mother. Based on the complaint of the Petitioner herein, the second Respondent issued C.S.R.No.35 of 24 and issued summons to the Complainant as well as to the opposite parties. From the enquiry, it was found out that the mother of the Petitioner had donated part of the land for the Panchyat to access pathway



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and compound wall was put up in the pathway, which was removed by her mother in the light of the gift made by her to the village for the pathway. Since the mother claims that she herself had donated the pathway to the Village Panchayat, she herself requested to remove the compound wall, the mother and the complainant were directed to seek remedy before the civil court. Therefore, CSR was closed. "

6.This writ petition is filed for the very same relief. The respondent police has also filed a counter affidavit that the complaint of this petitioner was treated as petition enquiry and during the enquiry, one Joy, the mother of the petitioner and the counter petitioner have appeared before the respondent police and they stated that it is only a civil dispute. Therefore, the petition enquiry in CSR No.35/2024 was closed on 29.01.2024 as civil in nature.

7.Since the complaint of the petitioner was already dealt with and closed as civil in nature; the petitioner has already suffered an order in WP(MD) No.2962 of 2024 for the very same prayer; this petitioner, instead of invoking the remedy, which is available for the civil dispute, once again



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has invoked the writ jurisdiction, this Court is not inclined to entertain this

Writ petition.

8. Accordingly, this writ petition is dismissed. No costs.

10.07.2024

Index : Yes/No

Internet : Yes/No

vrn

To

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Pudukadai Police Station,
Kanyakumari District.



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B.PUGALENDHI,J.

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Order made in
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