



W.P.(MD)No.14843 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14843 of 2022

and

WMP(MD)Nos.14547 of 2022 & 25221 of 2023

M.Aysha

... Petitioner

Vs.

- 1.The Director General of Police,
O/o of the Director General of Police,
No.601, Dr.Radha Krishnan Salai,
Mylapore, Chennai.
- 2.The Inspector General of Police,
O/o of the Inspector General of Police,
South Zone, Madurai City.
3. The Superintendent of Police,
O/o the Superintendent of Police,
Thoothukudi City.
- 4.The Deputy Superintendent of Police,
O/o of the Deputy Superintendent of Police,
Madurai City.
5. The Inspector of Police,
O/o of the Inspector of Police,
East Police Station,
Thoothukudi City.
- 6.Suthjith Aanad,
The Inspector of Police,
East Police Station,
Thoothukudi District.

... Respondents



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PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 to 5 to take appropriate action against the sixth respondent by considering the petitioners representation dated 10.05.2022.

For Petitioner : Mr.S.M.A.Jinnah

For R1 to R5 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondents 1 to 5 to take appropriate action against the sixth respondent by considering the petitioner's representation dated 10.05.2022.

2.The petitioner's father-in-law is the owner of the land. In which, the petitioner tried to construct a house in that land. The sixth respondent without giving any notice and without any authority, come with JCB and demolished the construction. Thereby, the petitioner made a compliant to the respondents 1 to 5 on 10.05.2022 for taking appropriate action against the sixth respondent. But, the same was not considered till date. Hence, the petitioner has filed the present petition before this Court.

3.The learned counsel appearing for the petitioner would submit that admittedly, the land was classified as 'Odai Theru'. In which, no one is entitled.



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However, the petitioner's father-in-law possesses the title. Subsequently, the petitioner inherited the property and tried to construct a house. In such circumstances, without any notice and without any authority, the sixth respondent demolished the building. Thereby, the petitioner sent a representation to the fifth respondent and the same was not considered till date. Hence, the petitioner filed this petition.

4.Per contra, the learned Additional Public Prosecutor would submit that the petitioner is tried to put up a hut in the land, which was classified as 'Odai Theru' and the same was prevented by the sixth respondent police/Law Enforcing Agency. Aggrieved by the same, false complaint was foisted by the petitioner against the sixth respondent. However, the complaint given by the petitioner was enquired by the Higher Officials and the same was closed on 09.11.2022 and a copy was also served to the petitioner.

5.The case of the petitioner is that the petitioner tried to construct a house in the land, which was classified as 'Odai Theru' and the same was demolished by the sixth respondent. Whereas, the prosecution case is that the petitioner tried to construct a house in Oodai Theru and the same was prevented by the 6th respondent/Law Enforcing Agency. All those exists dispute cannot be



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decided by the Law Enforcing Agency. In this case, the petitioner's complaint was already considered and the same was closed on 09.11.2022.

6. The learned counsel for the petitioner would submit that after demolition of construction, the sixth respondent handed over the disputed land to the another person and that person also constructed a new building in that land. Aggrieved by the same, the petitioner filed a petition in WP(MD)No. 17975 of 2022 before this Court and the same was disposed of by this Court by giving a direction to the authorities to consider the petitioner's representation and pass appropriate orders. In the present case also, the very same prayer is sought for by the petitioner and it is not permissible.

7. Accordingly, this Writ Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

06.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
dss



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WEB COPY

To

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



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M.DHANDAPANI, J.

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