



W.P.(MD)No.16446 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.16446 of 2022

M.Sankaralingam

... Petitioner

Vs

1.The Superintendent of Police,
Tenkasi District.

2.The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to take appropriate action under the criminal law pursuant to the petitioner's complaint dated 28.01.2022 in the light of the dictum laid down by the Hon'ble Supreme Court of India in the case of Lalitha Kumar Vs. Government of Uttar Pradesh and Ors. reported in (2014) 2 SCC as expeditiously as possible within the time stipulated as prescribed by this Court.

For Petitioner : Mr.RAnand

For Respondents : Mr.B.Nambiselvan,
Additional Public Prosecutor



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ORDER

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This petition has been filed for issuance of writ of mandamus directing the second respondent to take appropriate action on the petitioner's complaint dated 28.01.2022.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property in Survey No.408/5B, 5D, Kurukkalpatti Village, Sankarankovil Taluk, Tenkasi Distrit. In order to measure the property, he made an application before the Survey officials. Thereafter, the revenue officials had measured the property and earmarked the boundaries. In spite of such demarcation, some third parties tried to occupy the petitioner's property. Hence, the petitioner made a complaint before the respondent Police on 28.01.2022. But, the same has not been considered till date. Therefore, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondent Police to consider the representation made by the petitioner on 28.01.2022 and pass appropriate orders in accordance with law.



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4. Heard the learned Additional Public Prosecutor appearing for the respondents.

5. It appears that the dispute between the petitioner and the the private parties is purely civil in nature.

6. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner may be permitted to file an application before the revenue officials under the provision of the Tamil Nadu Survey and Boundaries Act, 1923.

7. Since the dispute involved in this case is civil in nature, the relief sought for by the petitioner cannot be granted at this stage.

8. Accordingly, the Writ Petition stands dismissed. No costs. Liberty is granted to the petitioner to approach the revenue officials and work out his remedy in the manner known to law.

07.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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M.DHANDAPANI, J.

TSG

To

- 1.The Superintendent of Police,
Tenkasi District.
- 2.The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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