



W.P.(MD)No.20428 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.20428 of 2022

M.Kaja Mydeen

... Petitioner

Vs

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Jaihindhpuram Police Station,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of of Mandamus, directing the respondents to take appropriate action upon the complaint given by the petitioner dated 29.07.2022 within the time stipulated by this Court.

For Petitioner : Mr.A.Sejik Nasurdeen

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



W.P.(MD)No.20428 of 2022

ORDER

WEB COPY

This petition has been filed for issuance of writ of mandamus directing the respondents to take appropriate action upon the complaint given by the petitioner dated 29.07.2021 within the time stipulated by this Court.

2. The case of the petitioner is that the house property comprising in Re-Survey No.69/1, Plot No19, situated at Bharathiyar Road, Jaihindhpuram, Madurai District, originally belonged to one M.Karthikeyan. When the petitioner was searching a house for lease, the persons, viz., Kadar Mydeen, Amuthan and Mydeen, who are real estate brokers / house brokers, have approached the petitioner and informed him that the above said house is available for lease, for which, they wanted a sum of Rs.7,00,000/- as lease amount and further they demanded a sum of Rs.30,000/- as broker commission to them and subsequently, they reduced the lease amount as Rs.5,00,000/- instead of Rs.7,00,000/- and also assured him that there is no encumbrance on the above said house property. Believing the words of the said real estate brokers, the petitioner has given a sum of Rs.5,00,000/- to the house owner and the proposed accused and



W.P.(MD)No.20428 of 2022

WEB COPY

also they entered into a lease agreement for a period of three years. The petitioner also paid a sum of Rs.35,000/- as broker commission to the proposed accused and thereafter, the petitioner came to know that the said Karthikeyan had mortgaged the said said house property to the Bank staff and the house owner was the defaulter in payment of Rs.34,59,617/- and hence, the above said property came to be auctioned. After that, the petitioner approached the real estate brokers and he came to know that the real estate brokers colluded with the house owner had cheated him and did not repay the lease amount. Due to which, the petitioner made a complaint before the respondent Police on 29.07.2021. Since no action has been taken by the respondents till date, 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 take action on the complaint given by him on 29.07.2021.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner's complaint will be considered by the respondent Police within a period of four weeks.



W.P.(MD)No.20428 of 2022

WEB COPY

5. In view of the above, this Court directs the second respondent Police to take action on the petitioner's complaint dated 29.07.2021 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of with the above direction. No costs.

09.02.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Jaihindhpuram Police Station,
Madurai District.

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



WEB COPY



W.P.(MD)No.20428 of 2022

M.DHANDAPANI, J.

TSG

W.P.(MD)No.20428 of 2022

09.02.2024