



W.P.(MD)No.20129 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.20129 of 2024

K.Sudha

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Commissioner of Police,
Railway Protection force,
4th floor, Old Commissioner Office,
Egmore, Chennai 600 008.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Thirumangalam, Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to transfer the investigation of the case in Na.Ka. No.2174/2024/A2 on the file of the third respondent to that of any other Revenue Divisional Officer for conducting further investigation and to file a report.



W.P.(MD)No.20129 of 2024

For Petitioner : Mr.D.S.Haroon Rasheed,
for Mr.V.Maharajan

For Respondents : Mr.M.Muthu Manikkam,
Government Advocate (Civil Side)

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus, directing the first respondent to transfer of investigation of the case in Na.Ka.No.2174/2024/A2 on the file of the third respondent to that of any other Revenue Divisional Officer for conducting further investigation and to file a report.

2. When the matter is taken up for hearing today, the learned Government Advocate (Civil Side) appearing for the respondents would submit that enquiry is pending before the third respondent and that the petitioner has created forged document as owner is in abroad.

3. As rightly contended by the learned counsel for the petitioner, the third respondent has allowed the third party, who has no right into the property, to argue in this case, and since enquiry is pending under



W.P.(MD)No.20129 of 2024

Section 145 of Cr.P.C., he is having jurisdiction only to decide about the possession.

4.The learned Government Advocate (Civil Side) appearing for the State would submit that the third respondent has permitted a third party, who is RPF officer, to take part in the enquiry.

5. Considering the above, the third respondent is directed to hear the parties, who are involved in the present dispute and not any outsider and directed to complete the enquiry and pass orders within a period of two weeks from the date of receipt of copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs.

23.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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W.P.(MD)No.20129 of 2024

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Commissioner of Police,
Railway Protection force,
4th floor, Old Commissioner Office,
Egmore, Chennai 600 008.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Thirumangalam, Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD)No.20129 of 2024

K.MURALI SHANKAR,J.

DAS

Order made in
W.P.(MD)No.20129 of 2024

Dated: 23.08.2024