



W.P.(MD)No.23024 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.23024 of 2022

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... Petitioner

Vs.

1.The Inspector General of Police,
Office of the Inspector General of Police,
Madurai South Zone,
Race Course, 4th Street,
Madurai – 625 002.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

3.The Additional Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

4.The Inspector of Police,
Anti Land Grabbing (Special Cell),
Ramanathapuram,
Ramanathapuram District.

5.The Sub Inspector of Police,
Anti Land Grabbing (Speical Cell),
Ramanathapuram,
Ramanathapuram 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 & 2 herein to prevent the respondents 3 & 4 herein from conducting the katta panchayat in their office and unnecessarily called the petitioner in the guise of enquiry and threatened that to settle the amount to the complainant and acted in a biased manner and, consequently, direct the respondents 1 & 2 to take action against the third respondent as well as the Sub Inspector attached with the fourth respondent police by considering the petitioner's representation dated 22.09.2022, in accordance with law within time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

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

ORDER

This petition has been filed to direct the respondents 1 & 2 herein to prevent the respondents 3 & 4 herein from conducting the katta panchayat in their office and unnecessarily called the petitioner in the guise of enquiry and threatened to settle the amount to the complainant and acted in a biased manner and consequently, direct the respondents 1 & 2 to take action against the third respondent as well as the Sub Inspector attached with the fourth respondent police by considering the petitioner's representation, dated 22.09.2022, in accordance with law within time stipulated by this Court.



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2.The case of the prosecution is that the petitioner is residing in S.No.367/13 to an extent of 17.5 cents situated at Kadaladi Village, Kadaladi Taluk, Ramanathapuram District. It is originally belong to Church of South India (CSI). One Kalayanaramachandran created the forged documents in respect of the above said property and sold the same to the petitioner vide D.No. 465 of 2020. Subsequently, the petitioner executed a sale deed in favour of one Thangavel vide D.No.580/2020. While being so, the Church of South India (CSI) made a complaint before the fourth respondent and the fourth respondent registered a case in Crime No.34 of 2021 for the offences under Section 465, 468,471, 420 and 120(B) of IPC as against the petitioner and other accused persons. Subsequently, the petitioner was arrested and released on bail. Hence, the present petition is filed with the above said prayer.

3.The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents 1 & 2 to prevent the respondents 3 & 4 from conducting the katta panchayat on the complaint made by the Church of South India (CSI).



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4. The learned Additional Public Prosecutor appearing for the State would submit that already the petitioner was arrested in Crime No.34 of 2021. Aggrieved by the same, the present petition has been filed. The present petition is a malicious petition instituted as against the Law Enforcing Agency and the Church of South India (CSI). Accordingly, he prayed for dismissal of this petition.

5. Considering the facts and circumstances of the case, already a criminal case was registered as against the petitioner in respect of Crime No.34 of 2021. When facing the investigation before the Law Enforcing Agency, the petitioner filed this present petition for the above said prayer is not sustainable. Hence, the prayer sought for by the petitioner cannot be maintainable.

6. Accordingly, this Writ Petition is dismissed. No costs.

13.02.2024

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



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



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