



W.P.(MD)No.26431 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.26431 of 2024

Venkateswaran

.. Petitioner

Vs

1. The Superintendent of Police
Trichy District, Trichy

2. The Inspector of Police
Manikandam Police Station,
Trichy District

3.K.Selvaraj

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct an enquiry and to take action against the third respondent based on the petitioner's representation dated 03.10.2023.

For Petitioner
For Respondents
No.1 and 2

: Mr.B. Prasanna Vinoth
: Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

This Writ Petition has been filed to direct the respondents 1 and 2 to conduct an enquiry and to take action against the third respondent based on the petitioner's representation dated 03.10.2023.

2. The petitioner has sent a complaint dated 03.10.2023 to the respondent police claiming that his father-in-law Sakthivel had owned property in S.Nos.268/4A and 268/4B to an extent of 2400 sq.ft at K.Kallukudi South Village, Trichy District. His father-in-law by an unregistered document in the year 2019 had given 150 sq.ft to the petitioner in which the petitioner has put up metal sheet and he was doing vegetable business. In the balance portion of land the petitioner's father-in-law had sold 743 sq.ft to one Selvaraj. The petitioner was in possession of 150 sq.ft in which the metal sheet was put and shop was situated. While being so on 19.08.2023 when his father-in-law had gone to visit the property at that time the Selvaraj had completely demolished the compound wall and removed the metal sheet and encroached upon the petitioner's property. Thereafter on 19.08.2023 his father-in-law had



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lodged a complaint seeking for damages for demolition of compound wall to the value of Rs. 3 lakhs and the articles kept therein which was found missing to the value of Rs. 2 lakhs. The respondent has not any taken action.

3. The learned Additional Public Prosecutor would submit that the petitioner and his father-in-law both were called for enquiry and enquiry was conducted and it was found that the land has been now acquired by National Highways and the petitioner has got no right over the property. It is a National Highway property. The said Selvaraj has also encroached and put up tea shop . Thereafter both the parties were advised to approach the civil court for seeking damages. On coming to know about the closure, this complaint has been lodged for the same cause of action but only with slight changes. If at all the petitioner is aggrieved the petitioner can only approach the civil Court and no criminal case is made out, hence the closed the complaint of the petitioner and his father-in-law.



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4. Today the closure report dated 23.10.2024 has been served to the petitioner. If at all the petitioner is aggrieved the petitioner to take appropriate steps in the manner known to law.

5. In view of the same, the Writ Petition is not maintainable and liable to be dismissed.

6. Accordingly the Writ Petition stands dismissed.. No costs.

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Index: Yes/No

Internet : Yes/No

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To

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

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M.NIRMAL KUMAR, J.

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