



W.P.(MD)No.26300 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2024

CORAM:

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

W.P.(MD)No.26300 of 2024

P.Vijayakumar

.. Petitioner

Vs

1. The Commissioner of Police
Madurai City,
Madurai

2.The Inspector of Police
Thirunagar Police Station
Thirunagar

3. Solairaja

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, seeking direction to direct the respondents 1 and 2 to take appropriate action upon his representation dated 17.10.2024 which is still pending before them



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For Petitioner : Mr.P.Venkatesan
For Respondents : Mr.A.Thiruvadikumar
No.1 and 2 Additional Public Prosecutor

ORDER

This Writ Petition has been filed directing the respondents 1 and 2 to take appropriate action upon the representation dated 17.10.2024 given by the petitioner.

2. The petitioner had lodged complaint to the second respondent on 17.10.2024, thereafter no action has been taken. Hence the present petition has been filed.

3. The contention of the petitioner is that he owned property in S. No.218/14 in patta No.1875 to a total extent of 66 cents purchased by him the year 1997 and 2004 through registered sale deed bearing document Nos.3477/1997, 444/2004,449/2004 and 450/ 2004 situated at Thankkankulam Village, Madurai. The pattas have also been mutated and now the properties stands in the name of the petitioner. The petitioner is in possession and enjoyment of the property. While being so, one Solairaja created forged documents in respect of the above said



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property and using the forged document filed a writ petition before this Court in WP(MD) No.27527 of 2023 seeking direction to direct the Tahsildhar to take action upon his complaint and to change the patta in his name. Pursuant to the same, the Revenue Divisional Officer of Thirumangalam summoned the petitioner and Solairaja for enquiry through his proceedings in Na.Ka. No.546 of 2023/A4 dated 12.07.2023. Order has been passed confirming that Solairaja has no right over the property and he has illegally entered into the property of the petitioner. Despite the same on 05.10.2024 at about 11.00a.m., the said Solairaja entered into the property which was resisted by the petitioner. Thereafter a false complaint was lodged by the said Solairaja to the respondent. The petitioner was called for enquiry on 16.10.2024 and again the said Solairaja suppressing the earlier Revenue Divisional Officer findings has been making false claim as though he is the owner of the property. Since the police has not taken any action the said Solairaja along with his henchmen trespassed into the property on 16.10.2024. The petitioner had lodged complaint on 17.10.2024 but the respondent police failed to take any action



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4. The learned Additional Public Prosecutor submitted that CSR No.426 of 2024 assigned to the complaint of the petitioner. Parties were called for enquiry. The petitioner had appeared and one Rajkumar appeared and gave an undertaking that they would approach the civil court and seek their remedy, since it is a civil dispute. Recording the same the complaint was closed on 04.11.2023 finding that it is a civil dispute. Trespass and encroachment no longer exists.

5. The learned Additional Public Prosecutor further on instructions would submit that as on date there is no encroachment by the third respondent/Solairaja. In the event of any violation of law or threat to the petitioner's safety and property appropriate action would be taken.

6. Recording the same, the Writ Petition stands closed. No costs.

05.11.2024

Index: Yes/No
Internet : Yes/No
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To

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1. The Commissioner of Police
Madurai City,
Madurai
2. The Inspector of Police
Thirunagar Police Station
Thirunagar
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M.NIRMAL KUMAR, J.

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