



W.P.(MD)No.26785 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.26785 of 2024

Singama Reddy

.. Petitioner

Vs.

**1. The Deputy Superintendent Police,
Samayanallur,
Madurai District**

**2. The Inspector of Police
Vadipatti Police Station,
Madurai District**

3. Siva Ramakrishnan

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to conclude the enquiry in C.S.R.No.352/2024 dated 28.06.2024 on the file of the 2nd respondent and to do further progress in accordance with law within stipulated time as prescribed by this Court

For Petitioner : Mr.S.Vellaichamy

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor for R1&2



W.P.(MD)No.26785 of 2024

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ORDER

This Writ Petition has been filed to direct the second respondent to conclude the enquiry in C.S.R.No.352/2024 dated 28.06.2024 on the file of the 2nd respondent

2. The petitioner and his brother-Kannan are sons of Late Ellama Reddy. There were in good cordial relationship and the petitioner is aged about 72 years, due to his falling health, he had entrusted the following original sale deeds to his brother – Kannan for safe custody, which reads as follows:

S.No	Description of Properties	Doc.No
1.	S.No.37/2, Kombai Kaadu, Vadipatti Taluk, Madurai District	292/2007
2.	S.No.37/3, Kombai Kaadu, Vadipatti Taluk, Madurai District	246/2007
3.	S.No.37/4, Kombai Kaadu, Vadipatti Taluk, Madurai District	636/2007
4.	S.No.38/3, Kombai Kaadu, Vadipatti Taluk, Madurai District	601/2007
5.	S.No.40/2, Kombai Kaadu, Vadipatti Taluk, Madurai District	603/2007
6.	S.No.75/1, Kombai Kaadu, Vadipatti Taluk, Madurai District	1069/1988



W.P.(MD)No.26785 of 2024

WEB COPY

7.	S.No.75/1, Kombai Kaadu, Vadipatti Taluk, Madurai District	832/1981
8.	S.No.4/1A2, Kombai Kaadu, Vadipatti Taluk, Madurai District	145/1983
9.	S.No.4/1A2, Kombai Kaadu, Vadipatti Taluk, Madurai District	962/1992
10.	S.No.224/2C, Kombai Kaadu, Vadipatti Taluk, Madurai District	595/1971

3. His brother – Kannan suddenly passed away on 15.06.2024. After the last rites and rituals, the petitioner asked for documents from the third respondent, who is the son of his brother. The third respondent though initially informed that he would verify and return back the documents and later, he made evasive reply and that the petitioner came to know that the petitioner's brother's son, viz., the third respondent making arrangements to the originals available with him.

4. According to the petitioner, the entire properties are the petitioner's properties, but, apprehension that the original document would be misused and some encumbrance unnecessarily created, the petitioner lodged a complaint to the second respondent and the second respondent issued C.S.R.No.352 of 2024 on 28.06.2024. Thereafter, the second respondent police failed to take any action. Hence, on



W.P.(MD)No.26785 of 2024

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15.10.2024, the petitioner approached the first respondent and gave representation, thereafter also no action has been taken. Hence, the petitioner filed this Petition.

5. The learned Additional Public Prosecutor submitted that the petitioner's complaint has been received. From the complaint, it is seen that 17 properties consisting in 10 documents were entrusted by the petitioner to his brother for safe custody and his brother – Kannan had unexpectedly died on 15.06.2024. The petitioner's contention is that the third respondent is holding the documents has to be verified. Since it is within the family, the respondent police are reluctant to take a decision of conducting search and seizure. Both the petitioner and the third respondent would be called for enquiry, if required, appropriate action would be taken including coercive action and redeem the documents.

6. Considering the submission and material records, the respondent police is directed to complete C.S.R.No.352 of 2024, dated 28.06.2024 within a period of three months from the date of receipt of copy of this order.



W.P.(MD)No.26785 of 2024

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7. With the above direction, the Writ Petition stands disposed of.

No costs.

11.11.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To

1. The Deputy Superintendent Police,
Samayanallur,
Madurai District.
2. The Inspector of Police
Vadipatti Police Station,
Madurai District.



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W.P.(MD)No.26785 of 2024

M.NIRMAL KUMAR, J.

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W.P.(MD)No.26785 of 2024

11.11.2024