



W.P.(MD)No.27512 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.27512 of 2024

V.Aruganatchan

.. Petitioner

Vs

1. The Superintendent of Police
Madurai S.P. Office
Madurai District

2. The Inspector of Police
Melur Police Station
Melur Taluk
Madurai District

3. Banu Priya

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent 1 and 2 to consider the petitioner's representation dated 02.07.2024 and 30.07.2024 and take action based on the complaint.

For Petitioner : Mr.S.Arunnithy

For Respondents : Mr.A.Thiruvadikumar
No.1& 2 Additional Public Prosecutor



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ORDER

This Writ Petition has been filed to direct the respondent 1 and 2 to consider the petitioner's representations dated 02.07.2024 and 30.07.2024 and take action based on the complaint.

2. The contention of the petitioner is that the petitioner is doing agriculture in land situated in T. Thamaraipatti village in S. No.486,486/3 and 486/9A to an extent of 1 acre 56 cents and the land belongs to one Govindaraj and he leased out the property in the year 2016 for which there was an agreement between them and the petitioner was doing agriculture in the above land from 2016. In the meanwhile the land owner Govindaraj passed away on 06.11.2020 and after that his wife requested the petitioner to continue the lease. After the demise of Govindaraj there was a property dispute in S. No.486/9A between one Rukmani and his wife of late Govindraj, hence they have filed a civil suit before the Sub Court, Melur in O.S. No.271 of 2023 and the same is pending. During the pendency of the suit the third threatened to hand over the possession of the land, hence complaint was lodged for which CSR No. 50 of 2024 assigned on 07.01.2024 and during enquiry the



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second respondent directed to parties to approach the civil Court and gave warning to the third respondent not to disturb the property. Thereafter on 29.06.2024 the third respondent along with his henchmen entered into the property and damaged the land with tractor for which complaint has been lodged on 30.07.2024 and the same is pending. Even thereafter no action has been taken, hence the present petition.

3. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time

4. In view of the limited prayer sought for by the petitioner in the petition without going into the merits of the case there shall be a direction to the second respondent to consider the representation of the



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petitioner and conclude the enquiry and pass orders on its merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Internet : Yes/No

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To

1. The Superintendent of Police
Madurai S.P. Office
Madurai District
2. The Inspector of Police
Melur Police Station
Melur Taluk
Madurai 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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