



W.P.No.8987 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8987 of 2025

V.Menaka

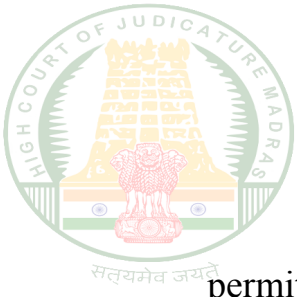
.... Petitioner

Vs

- 1.The State Rep.by
Superintendent of Police,
Cuddalore District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Chidambaram.
3. The Inspector of Police,
Portonova Police Station,
Cuddalore.
4. Ramprakash
- 5.Rammahesh
- 6.Sankarai

..... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 19.09.2024 and 28.10.2024 and pass orders within a stipulated period and



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permit the petitioner to get inside her house for her livelihood.

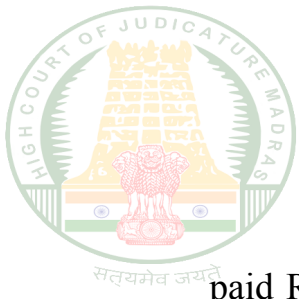
For Petitioner : Mr.M.R.Franklin

For R1 to R3 : Mr.A.Gopinath
Govt.Advocate(Crl.side)

ORDER

This Writ Petition has been filed for a direction, directing respondents 1 to 3 to consider the representations of the petitioner dated 19.09.2024 and 28.10.2024 and pass orders within a stipulated period and permit the petitioner to get inside her house for her livelihood.

2. It is the case of the petitioner that the grandfather of the petitioner had executed 26 acres of land to his two sons namely, 1.Kaliyaperumal and 2.Samantha Moorthy. After the death of the petitioner's grandfather, his sons have been in peaceful possession and enjoyment of their property. During the life time of the petitioner's father, he mortgaged 10 acres of land out of 26 acres to the 4th respondent, petitioner's uncle son. Thereafter, the petitioner's husband



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paid Rs.7,75,000/- to the 4th respondent, thereby the petitioner is doing agricultural work in the 10 acres of land. On 16.09.2024, the respondents 4 to 6 to open the petitioner's house and locked the house with new key and further they damaged the petitioner's tractor. Pursuant to the same, the petitioner lodged a complaint before the 3rd respondent and the same was registered a case in Cr.No.229 of 2024 for the offence punishable under Sections 126(2), 298(b), 324(4) of BNS Act. After registering the FIR, the third respondent refused to allow the petitioner to go inside her house. Hence, the petitioner sent representations dated 19.09.2024 and 28.10.2024 to the respondents and the same were not considered till date. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the respondents 4 to 6 opened the petitioner's house and locked the premises with new lock owned by them. The learned counsel further submitted that after completion of investigation, charge sheet has been filed before the learned Judicial Magistrate, Portonova and the same is pending.



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4. However, the learned Public Prosecutor submitted that the private respondents only involved in this crime.

5. In view of the above, this court is inclined to pass the following orders:-

i) The third respondent is directed to remove the lock and hand over the premises to the petitioner.

ii) The learned Judicial Magistrate, Portonva, Cuddalore District, is directed to take cognizance on the report filed by the third respondent in Cr.No.229 of 2024 within a period of four weeks from the date of receipt of a copy of this order and thereafter the learned Judicial Magistrate is also directed to proceed with trial.

6. With the above directions, this writ petition stands disposed of .

No costs.



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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
kkd

To

1. The State Rep.by
Superintendent of Police,
Cuddalore District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Chidambaram.
3. The Inspector of Police,
Portonova Police Station,
Cuddalore.
4. The Public Prosecutor,
High Court, Chennai.

Copy to

The Chief Judicial Magistrate,
Cuddalore District.

G.K.ILANTHIRAIYAN, J.

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