



WEB COPY



W.P.(MD)No.2177 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.2177 of 2025
and W.M.P(MD).No.1559 of 2025

Pappathi Ammal

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Theni District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District, Theni.
- 3.The Inspector of Police,
Bodinayakanur Town Police Station,
Bodinayakanur, Theni DISTRICT.
- 4.The Head Constable,
Bodinayakanur Town Police Station,
Bodinayakanur, Theni District.
- 5.Murugan
- 6.Gangadevi
- 7.Pandeeswaran
- 8.Dharamar
- 9.Sekar

... Respondents



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PRAYER : Petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned report of the fourth respondent dated 06.06.2024 Na.Ka.No.G4/353/12810/2024 quash the same and consequently direct the respondents 1 to 3 to take action against the fourth respondent and consider the representation dated 22.08.2024.

For Petitioner	: Ms.D.Saranya for Mr.H.Thayumanaswamy
For R1	: Mr.M.Muthumanikkam Government Advocate (Civil side)
For R2 & R3	: Mr.A.Thiruvadikumar Additional Public Prosecutor

ORDER

The petitioner challenging the order passed by the fourth respondent in Na.Ka.No.G4/353/12810/2024 dated 06.06.2024 had filed this petition. The contention of the petitioner is that the private respondents 5 to 9 taking advantage of the petitioner's old age, health ailment and being a lady are using force and threatening the petitioner from thrown away from the property. The petitioner had earlier lodged a complaint, in which, only CSR.No.318 of 2022 assigned, but no action has been taken. Thereafter, she had filed CrI.O.P(MD).No.16810 of



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2022 and this Court by order dated 17.10.2023 directed the police to take proper enquiry and give protection to the petitioner. He further submitted that case in Crime No.177 of 2023 was registered against the private respondents under Sections 420 and 506(1) of IPC on 13.06.2023, but no action has been taken, thereafter. This being so, now to the shock to the petitioner, impugned order came to be passed.

2. The learned counsel further referring to the impugned order submitted that it has been projected as if the police had received a complaint of the petitioner, which was given to the District Collector and thereafter, it has been forwarded and whenever the police had called her for enquiry, her house was found locked and neighbors informed that her whereabouts is not known and finally, one Saravanan was enquired and he informed that the petitioner had sustained injuries in a road accident and for immediate medical aid and medical expenses, she had pledged the property and with the knowledge of the petitioner, the house was given lease to one Sekar. If the petitioner returned back lease amount, the said Sekar would vacate the property. Recording the same, the enquiry was closed. The learned counsel for the petitioner submits that no such accident had taken place and the petitioner had never taken any



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loan from any of the private individuals and all the private respondents have joined together and ensured that the petitioner is thrown away from the property, further pressure is being exerted and threatened to withdraw the complaint in Crime No.177 of 2023.

3. The learned Additional Public Prosecutor fairly submitted that in the enquiry report though several dates have been given, searching for the petitioner /Pappathi Ammal and she was unable to be contacted and found her house locked. The petitioner's apprehension is that muscle man are knocking the petitioner's door and not allowing the petitioner to enjoy and live peacefully. The respondent police had failed to conduct any proper enquiry and there was no necessity for the petitioner to take loan. He further submitted that Sekar claims that he is in possession of the property an lease. The impugned order seems to be without any details and no comprehensive enquiry conducted.

4. In view of the above submission, the impugned order passed by the fourth respondent in Na.Ka.No.G4/353/12810/2024, dated 06.06.2024 is set aside and this Court directs the Deputy Superintendent of Police, Bodi, to conduct enquiry on the petitioner's complaint, visit the



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property and find out whether if there is any encroachment or not and if it is found, to remove the same and also ensure the safety and protection to the petitioner to live in peace.

5. With the above direction, this Writ Petition is closed. No costs.

Consequently, connected Miscellaneous Petition is closed.

28.01.2025

NCC : Yes / No
Index : Yes / No
Rmk

To

- 1.The District Collector,
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- 2.The Superintendent of Police,
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Theni District, Theni.
- 3.The Inspector of Police,
Bodinayakanur Town Police Station,
Bodinayakanur, Theni DISTRICT.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
W.P.(MD)No.2177 of 2025

Dated: 28.01.2025