



W.P(MD)No.8604 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P(MD)No.8604 of 2025

A.M.Shahul Hameed

... Petitioner

Vs

1. The Superintendent of Police,
Thanjavur District,
Thanjavur..

2. The Inspector of Police,
Cholapuram Police Station,
Cholapuram,
Thanjavur District..

3. M.P.Rajendran

4. Vikram

5. Gunasekaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 1st and 2nd Respondents herein from non taking action against the 3rd to 5th respondents herein for trespassing and unlawfully occupied of the Petitioners property in Survey No. 165/1A3 and 165/1A4 situated at Cholapuram village, Kumbakonam Taluk, Thanjavur District and also



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threatening the petitioner and his mother based on the petitioner's complaint dated 15.03.2025.

For Petitioner : Mr.G.Gomathisankar
For Respondents : Mr.R.M.Anbunithi (R1,R2)
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking a direction to forbear the respondents 1 and 2 herein from non taking action against the respondents 3 to 5 herein for trespassing and unlawfully occupied of the petitioner's property in Survey No. 165/1A3 and 165/1A4 situated at Cholapuram village, Kumbakonam Taluk, Thanjavur District and also threatening the petitioner and his mother based on the petitioner's complaint dated 15.03.2025.

2.According to the petitioner, he is the owner of the property in R.S.No.165/1 and new R.S.No.165/1A, Papanasam, Thanjavur District. While so, the third respondent unlawfully entered into the petitioner's property. The petitioner's mother had already approached this Court by way of filing a petition in Crl.O.P(MD)No.487/2025 and this Court



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directed the concerned police to take action against the third respondent.

Based on which, an FIR in Crime No.27/2025 was registered and the same is pending. In the mean time, the third respondent filed a suit in O.S.No.33 of 2025, before the Principal District Munsif Court, Kumbakonam and the same is also pending. The petitioner filed a petition in C.R.P(MD)No.859 of 2025 to strike off the plaint and the same is also pending. While so on 15.03.2025, when the petitioner tried to enter into the property, the respondents 3 to 5 restricted the petitioner from entering into the property and threatened him with dire consequences. Therefore, the petitioner lodged the complaint before the second respondent and for the same, C.S.R.No.131 of 2025 was assigned but no enquiry was conducted. Hence this petition.

3.The learned Additional Public Prosecutor/Government Advocate (Crl.Side) appearing for the respondent police would submit that based on the petitioner's complaint, an FIR has been registered against the private respondents. Now again the petitioner lodged a complaint on 15.03.2025 and the same is pending for enquiry, for which enquiry will be conducted and disposed of within a period of one week.



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4.Since the prayer of the petitioner is to consider his representation and take action against the private respondents and his complaint is pending with the second respondent, he is directed to conduct enquiry upon the petitioner's representation and dispose of the same within a period of one week from the date of this order, after affording opportunity to both the parties, in accordance with law.

5.With the above direction, this writ petition is disposed of.

28.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

To

1. The Superintendent of Police,
Thanjavur District,
Thanjavur..

2. The Inspector of Police,
Cholapuram Police Station,
Cholapuram,
Thanjavur District..

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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P.DHANABAL, J.

LR

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