

W.P.Crl.(MD)No.1156 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Rathinavel

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Malli Police Station,
Srivilliputhur Taluk,
Virudhunagar District.

3.R.Rajendran
4.R.Kannan
5.R.Rajavarman

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 & 2 to take necessary action acting upon the petitioner's complaint as against the respondents 3 to 5 strictly in accordance with



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the direction of the Apex Court in Lalitha Kumari Vs. Govt. of UP & Others case on the basis of the petitioner's representation dated 04.08.2025.

For Petitioner : Mr.B.Anandan

For R1 & R2 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

The petitioner has made serious allegations as against the fifth respondent and has also made certain allegations as against the respondent Police that they have not taken any action on his complaint and he has filed this petition seeking a direction to respondent Police to take action on his complaint.

2.The learned counsel appearing for the petitioner submits that the fifth respondent is interfering with the



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possession of the petitioner and therefore, the petitioner applied for survey. The survey has not been conducted and hence, the petitioner filed a writ petition in WP.(MD)No.11000 of 2025 and obtained an order for survey. Even thereafter, the Surveyor has not conducted the survey. Further, he submits that pursuant to the order of this Court dated 21.04.2025 in WP.(MD)No.11000 of 2025, the Surveyor issued notice to the respondents 3 to 5. However, the respondents 3 to 5 did not appear during survey, on 08.07.2025. Therefore, survey was adjourned to 17.07.2025 and even on that day the respondents 3 to 5 not turned up and therefore, the survey could not be completed and it was completed only on 21.07.2025 and even on that day, the respondents 3 to 5 have not appeared and raised their objections during the survey. The Surveyor has identified the boundaries and boundary stones have also been fixed. Thereafter, the respondents 3 to 5 have removed the boundary stones. The petitioner



has reported the same to the Surveyor, however, no steps has been taken and therefore, he has lodged a complaint before the respondent Police. Since the respondent Police has also not taken any steps, the petitioner has filed the present petition.

3.The learned Additional Public Prosecutor appearing for the respondents 1 & 2 submits that based on the petitioner's complaint, the respondent Police has conducted an enquiry and closed the same.

4.This Court has considered the submissions made on either side and perused the available records.

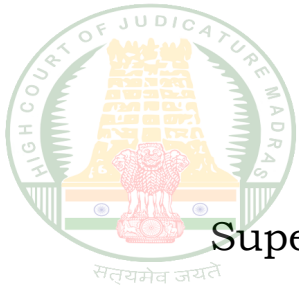
5.It appears that survey was conducted based on the directions of this Court in WP.(MD)No.11000 of 2025 dated 21.04.2025. Notice was issued to the respondents 3 to 5, however, they have not appeared during survey



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and the survey has been conducted only on 21.07.2025 and boundary stones have also been fixed. These boundary stones have been removed by the respondents 3 to 5. Without even ascertaining as to whether such incident had taken place, the Sub Inspector of Police, Malli Police Station, Srivilliputhur Taluk, Virudhunagar District has closed the complaint in a casual manner by recording the statement of the accused. It is also reported that one of the accused is a former MLA. Therefore, this Court is not satisfied with the enquiry conducted by the Sub Inspector of Police, Malli Police Station, Srivilliputhur Taluk, Virudhunagar District.

6.In view of the above, this court directs the Superintendent of Police, Virudhunagar District to look into this issue and entrust the investigation to some other sincere Officer and shall ensure that fair investigation has been conducted on the petitioner's complaint. The



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Superintendent of Police, Virudhunagar District is also expected to take appropriate action on the Sup Inspector of Police, Malli Police Station, Srivilliputhur Taluk, Virudhunagar District, who has closed the complaint of the petitioner without even visiting the place of occurrence. Accordingly, this writ petition is disposed of. No costs.

29.08.2025

gns



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To

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Malli Police Station,
Srivilliputhur Taluk,
Virudhunagar District.

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



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