



W.P.(MD)No.31028 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

W.P.(MD)No.31028 of 2024

John Bosco Vivegam

...Petitioner

Vs.

1. The Superintendent of Police
O/o. Superintendent of Police
Sivagangai District
2. The Deputy Superintendent of Police
Karaikudi
Sivagangai District
3. The Inspector of Police
Karaikudi North Police Station
Karaikudi
Sivagangai District
4. K.N.Lakshmanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to dispose the petitioner's representation dated 20.11.2024 and conduct enquiry and act in accordance with law.



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For Petitioner : Mr.M.Deepan Chakravarthi

For Respondents : Mr.A.Thiruvadikumar
No.1 to 3 Additional Public Prosecutor

ORDER

The Writ Petition has been filed to direct the second respondent to dispose the petitioner's representation dated 20.11.2024 and conduct enquiry and act in accordance with law.

2. The petitioner has sent a representation to the respondents 1 to 3 against one K.N.Lakshmanan, since no action has been taken, the present petition has been filed.

3. The petitioner is a civil Engineer. The said K.N.Lakshmanan owned property in V.O.C.Road, Karaikudi and asked the petitioner to build a luxury apartment in the name and style of Lena Luxury Apartment worth about Rs.2 Crores. and the petitioner had entered into agreement and started constructing apartment. In the meanwhile the said Lakshmanan fell sick and he has gone to America for treatment. Thereafter he had come back and when the petitioner demanded balance



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amount of Rs. 30 lakhs for which the said Lakshmanan had executed a sale deed in Doc. No.2527 of 2012 in favour of the wife of the petitioner .

Now the petitioner is not allowed to enjoy the property.

4. The learned Additional Public Prosecutor submitted that on the complaint of the petitioner CSR No.1461 of 2024 assigned, thereafter he had not co-operated for enquiry hence the CSR was closed. The counter party lodged a complaint with the District Crime Branch, Sivagangai which was also closed and if the petitioner appears before the third respondent along with supporting documents, the complaint of the petitioner can be considered.

5. In view of the same, this Court set aside the closure report in CSR No. 1461 of 2024 and direct the third respondent to re-open the CSR No. 1461 of 2024 and conduct enquiry.

6. The learned counsel appearing for the petitioner, on instructions, submitted that the petitioner is ready to appear before the third respondent police for enquiry on 20.01.2025. The respondent police to



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enquire the petitioner and ensure the presence of the rival party namely K.N.Lakshmanan on 20.01.2025 to complete the enquiry.

7. In view of the same the petitioner and the rival party are directed to appear for enquiry on 20.01.2025 before the third respondent police and on their appearance the respondent police is directed to conduct enquiry and close the same with a period of two months from 20.01.2025.

8. With the above direction, the Writ Petition stands disposed of.
No costs.

02.01.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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Note: Issue order copy on 07.01.2025



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



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M. NIRMAL KUMAR, J

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