



W.P.(MD)No.18184 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.09.2023

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.18184 of 2021
and
W.M.P.(MD)No.15013 of 2021

R.Geethalakshmi

... Petitioner

Vs.

- 1.The Tamil Nadu State,
Rep. through its Principal Secretary to Government,
Home Department,
Secretariat, Chennai – 09.
- 2.The Superintendent of Police,
Sivaganga District, Sivagangai.
- 3.The Deputy Superintendent of Police,
Manamadurai Sub-Division,
Manamadurai.
- 4.The Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam.

5.U.Senthilvel

... Respondents



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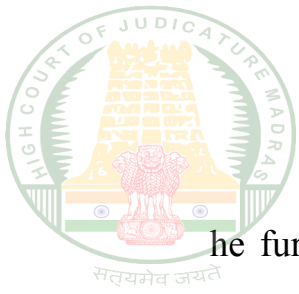
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation, dated 27.11.2020 and to conduct a detailed enquiry and to pass appropriate orders on merits and in accordance with law and thereby, forbearing the respondents 3 and 4 and their subordinates from harassing the petitioner and her family members without due process of law and ensure the petitioner's personal liberty guaranteed under Article 21 of the Constitution of India.

For Petitioner : Mr.M.Saravanakumar
For R1 to R4 : Mr.R.Meenakshisundaram
Additional Public Prosecutor
For R5 : Mr.R.Senthilkumar

ORDER

The petitioner sent a representation dated 27.11.2020 to the Superintendent of Police, Sivagangai, second respondent herein, for the inaction of her earlier complaint to the fourth respondent, dated 06.10.2020.

2. The gist of the complaint is that the fifth respondent is the tenant under the petitioner from the year 2016 and there was some dispute between them. On 22.08.2020, the fifth respondent along with his friends entered into the house of the petitioner, assaulted her husband and threatened him if



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he further demands any money, he would be done away. During the last week of October, 2020, the fifth respondent vacated the house, but locked the house and not handed over the key to the petitioner. Further, he failed to pay Rs.40,000/-, being the rental dues. Again, on 06.10.2020 the fifth respondent threatened and abused the petitioner. Hence, the petitioner lodged a complaint before the fourth respondent against the fifth respondent and his mother. The fifth respondent is related to some Police Personnels, who are supporting him and therefore, the fourth respondent has not taken any action against him. Hence, the petitioner sent a representation dated 27.11.2020 to the second respondent. Since the said representation was not considered, the petitioner has approached this Court by way of filing the present Writ Petition.

3. The third respondent filed counter affidavit stating that the fifth respondent preferred a complaint alleging that from 04.08.2016 on the basis of the oral agreement, he had become the tenant of the petitioner. At that time, fifth respondent gave Rs.2,00,000/- as lease amount. The fifth respondent and his mother were residing in the first floor of the petitioner's house. The fifth respondent's sister's daughter used to bring food to his



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mother. On one such occasion, the petitioner's husband made sexual torture to his sister's daughter and also made improper touch, for which, a complaint was lodged and a case in Crime No.8 of 2020 for the offences under Sections 7, 8, 9(m), 9(u) and 10 of the POCSO Act has been registered by the All Women Police Station, Manamadurai. On completion of investigation, charge sheet has been filed against the petitioner's husband in Spl.S.C.No.23 of 2020. The petitioner has been adopting all tactics, forcing the fifth respondent to ensure the withdrawal of the POCSO Act case registered against the petitioner's husband and further informed that unless the POCSO Act case is withdrawn, the lease amount will not be repaid. He further submitted that on the complaint of the fifth respondent, the petitioner and her husband were called for enquiry. Initially, the petitioner herein appeared for enquiry before the third respondent and sought further time and thereafter, they did not appear for enquiry. It is a dispute between the landlord and tenant and hence, the Police getaway further action in this regard.



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4. The fifth respondent filed counter affidavit stating that on the basis of the oral agreement entered between him and the petitioner, on 04.08.2016 the fifth respondent paid Rs.2,00,000/- as mortgage amount without interest. This being so, on 17.08.2020, when the fifth respondent's sister's granddaughter came to the fifth respondent's house, the petitioner's husband namely, Raja made sexual assault on the child. Subsequently, a case has been registered against him in Crime No.8 of 2020 and now, charge sheet has been filed. During the enquiry, the victim girl had given 164 Cr.P.C. statement, confirming the sexual assault before the learned Judicial Magistrate, Thiruppuvanam. The petitioner has been making false allegations against the fifth respondent. The fifth respondent vacated the house on 23.08.2020. The petitioner and her husband laid a condition that unless the POCSO Act case is withdrawn, they will not repay the mortgage amount of Rs.2,00,000/- to the fifth respondent.

5. The learned counsel for the fifth respondent submitted that the fifth respondent had left certain household articles in the petitioner's house, which are yet to be taken away. If the petitioner is willing to repay the mortgage amount of Rs.2,00,000/-, immediately, the lock and the

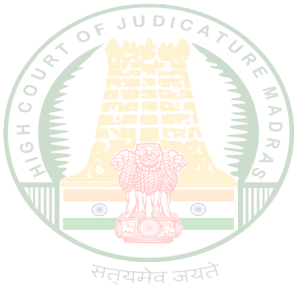


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articles will be removed by the fifth respondent. The petitioner neither participated in the enquiry nor preferred any proceedings before the Rent Control Court or any other civil forum, seeking appropriate remedy. On the other hand, she invoked the writ jurisdiction of this Court, which is not permissible in law and prayed for dismissal of the Writ Petition.

6. I have heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the respondents 1 to 4 and the learned counsel for the fifth respondent and perused the materials available on record.

7. Considering the aforesaid submissions and the materials available on record, it is seen that the petitioner and the fifth respondent had some dispute with regard to tenancy over the property, which can be sorted out between them or through the Civil Court. The respondent Police have rightly kept away from the civil dispute. It is also to be seen that the petitioner's husband involved in a case relating to POCSO Act and the victim girl is related to the fifth respondent.



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8. In view of the above, this Court finds no merits to entertain the present Writ Petition and the same is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To

- 1.The Principal Secretary to Government of Tamil Nadu,
Home Department,
Secretariat, Chennai – 09.
- 2.The Superintendent of Police,
Sivaganga District, Sivagangai.
- 3.The Deputy Superintendent of Police,
Manamadurai Sub-Division,
Manamadurai.
- 4.The Inspector of Police,
Thiruppuvanam Police Station,
Thiruppuvanam.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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M.NIRMAL KUMAR, J.

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Order made in

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