

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23431 of 2014
and MP.No.1 of 2014

M. Vijay Kumar ... Petitioner

vs.

1. The Inspector of Police
Oragadam Police Station
Kancheepuram District
2. The Inspector of Police
Poonamallee Police Station
Chennai
3. Ms.Global India Automobile Limited
No.133, 136, SIPCOT Industrial Estate
Oragadam Village, Singaperumal Koil Road
Mattur (PO), Sriperumbudur Taluk
Kanchipuram District
4. Mr.S.Satish Kumar ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st and 2nd respondent police to initiate appropriate action on the 4th respondent on the petitioners complaint to the 1st and 2nd respondent dated 22.08.2014 and consequently give police protection to the petitioner's office situated at Old No.319 New No.2/49 2nd Floor, Mount Poonamalle High Road, Kattupakkam, Chennai-600 056 and its workers to carry out construction work in the site belonging to Ms.Global India Automobile Limited No. 133, 136, SIPCOT Industrial Estate, Oragadam Village, Singaperumal Koil Road, Mattur (Post) Sriperumbudur Taluk, Kanchipuram District, the 3rd respondent.

For Petitioner : Mr.D.Prabhu Mukunth

For R1 and R2 : Mr.R.Vijaykumar
Additional Government Pleader

For R3 : Mr. S.Saiprasad
For R4 : Mr.S.Senthilkumar

O R D E R

Heard Mr.D.Prabhu Mukunth, learned counsel for the petitioner, Mr.R.Vijaykumar, learned Additional Government Pleader for respondents 1 and 2, Mr.S.Saiprasad, learned counsel for the third respondent and Mr.S.Senthilkumar, learned counsel for the fourth respondent and perused the materials placed on record.

2. The petitioner, who is the contractor of the third respondent company, has filed this writ petition to direct the respondent police to give police protection to him to enable him to carry out the construction work in the site of the third respondent.

3. The third respondent, entrusted the contract work for construction of certain building in their work site to the petitioner. The petitioner, in turn, appointed the fourth respondent as a Sub Contractor to carry out the work allotted to him. During the course of execution of the contract, dispute arose between the petitioner and the fourth respondent. As a result of which, the petitioner is said to have deployed his own workers to complete the portion of the contract which the fourth respondent is now resisting stating that he has already completed major portion of the work and that the petitioner is bound to pay for the work done by him.

4. Admittedly, construction work is being carried on in the premises of the third respondent. If at all, any person who has to be aggrieved, it will be a third respondent. Therefore, if the third respondent is aggrieved by the conduct of the fourth respondent or any other third party including the petitioner herein, it is open to him to approach appropriate forum for necessary relief, including the police protection, if necessary. The dispute between the petitioner and the fourth respondent is purely a civil dispute and, therefore, the petitioner has to work out his remedy before the appropriate forum.

5. In view of the above, the relief sought for by the petitioner cannot be granted. However, this order will not prevent the petitioner from exercising his right in the manner known to law before the appropriate forum.

The writ petition is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ga

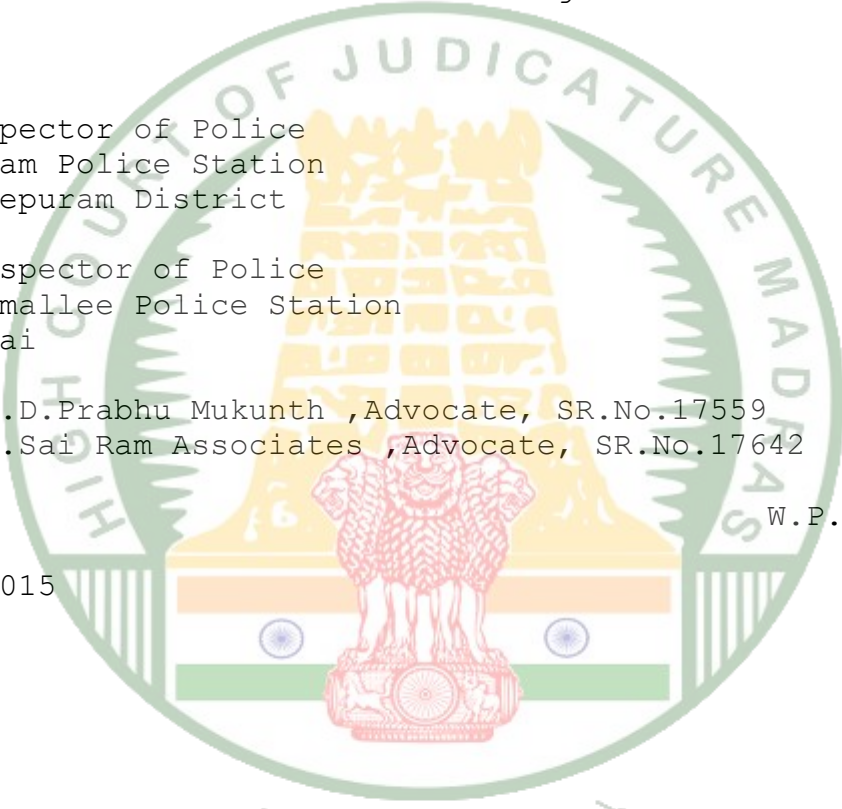
To

1. The Inspector of Police
Oragadam Police Station
Kancheepuram District
2. The Inspector of Police
Poonamallee Police Station
Chennai

1 cc to Mr.D.Prabhu Mukunth ,Advocate, SR.No.17559
1 cc to Mr.Sai Ram Associates ,Advocate, SR.No.17642

jsn(co)
pmk.11.4.2015

W.P.No.23431 of 2014



सत्यमेव जयते

WEB COPY