

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 3.8.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.6445 of 2012

P.G.Jayapathi
Proprietor
Saravana General Hospital
Matheri Teacher Training Institute
and Charity Educational Trust
Kaveripakkam - 632 508
Vellore District

... Petitioner

vs.

1. The Inspector General of Police
Mylapore
Chennai - 600 004
2. The Superintendent of Police
Vellore District
Vellore
3. The Inspector of Police
Kaveripakkam Police Station
Kaveripakkam, Vellore District
4. P.Srinivasan
s/o.Periyasamy
No.106/35, Pillaiyar Koil Street
Vellapadi, Vellore District
5. P.Sundaravinayagam
s/o.Periyasamy
No.43, Councilor Munusamy Mudaliar Street
Vellapadi, Vellore District

6. H.Ashok Kumar
s/o.Hasthimalsowkan
No.100, Bazaar Street
Kaveripakkam, Vellore District

7. H.Kisanlal
s/o.Hasthimalsowkan
Manager
Maruthakesari Benefit Chit Fund
No.97, Bazaar Street, Kaveripakkam
Vellore District

(R4 to R7 impleaded as per order dated
2.1.2013 in M.P.No.1 of 2012
in W.P.No.6445 of 2012)

... Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representations dated 5.3.2012, 6.3.2012 and 7.3.2012 and thereby direct the respondents police to provide adequate police protection to the petitioner and to his hospital namely Saravana General Hospital situated at Door New No.9, Old No.8, Veerabadhra Chetty Street, Kaveripakkam - 632 508, Vellore District.

For petitioner : Mr.M.V.Muralidaran

For respondents : Mr.R.Ravichandran
AGP for R1 to R3

O R D E R

Heard the learned counsels appearing for the parties concerned.

2. This writ petition has been filed praying that this Court may be pleased to issue a writ of Mandamus to direct the respondents to consider the petitioner's representations, dated 5.3.2012, 6.3.2012 and 7.3.2012, for providing adequate police protection to the petitioner and to his Hospital, namely, Saravana General Hospital, situated at Door New No.9, Old No.8, Veerabadhra Chetty Street, Kaveripakkam, Vellore District.

3. At this stage of the hearing of the writ petition, the learned Additional Government Pleader appearing for the respondents 1 to 3 had submitted that a civil dispute is pending between the petitioner and certain other persons, who have been impleaded as respondents 4 to 7, in the rent control proceedings. In such circumstances, it would be open to the petitioner to approach the police official concerned with a specific complaint against those persons, who are threatening the petitioner and who are attempting to trespass upon the property in question. If any such specific complaint is made, the police official concerned would take appropriate action, in the manner known to law. However, the present writ petition filed for a writ of Mandamus seeking a general relief by the petitioner is not maintainable.

4. In view of the submissions made by the learned counsels appearing for the parties concerned and on a perusal of the records available, this Court is of the considered view that, as the relief prayed for in the writ petition is of a general in nature, it is not maintainable. However, it would be open to the petitioner to approach the police official concerned, by filing a specific complaint, against the persons, who are threatening the petitioner with dire consequences and if such a complaint is made, it is for the police official concerned to take appropriate action, as per law. It is also open to the petitioner to approach the civil forum seeking appropriate relief, if any, in the manner known to law. Hence, the writ petition stands dismissed with the above observations. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To:

1. The Inspector General of Police
Mylapore
Chennai - 600 004

2. The Superintendent of Police
Vellore District
Vellore

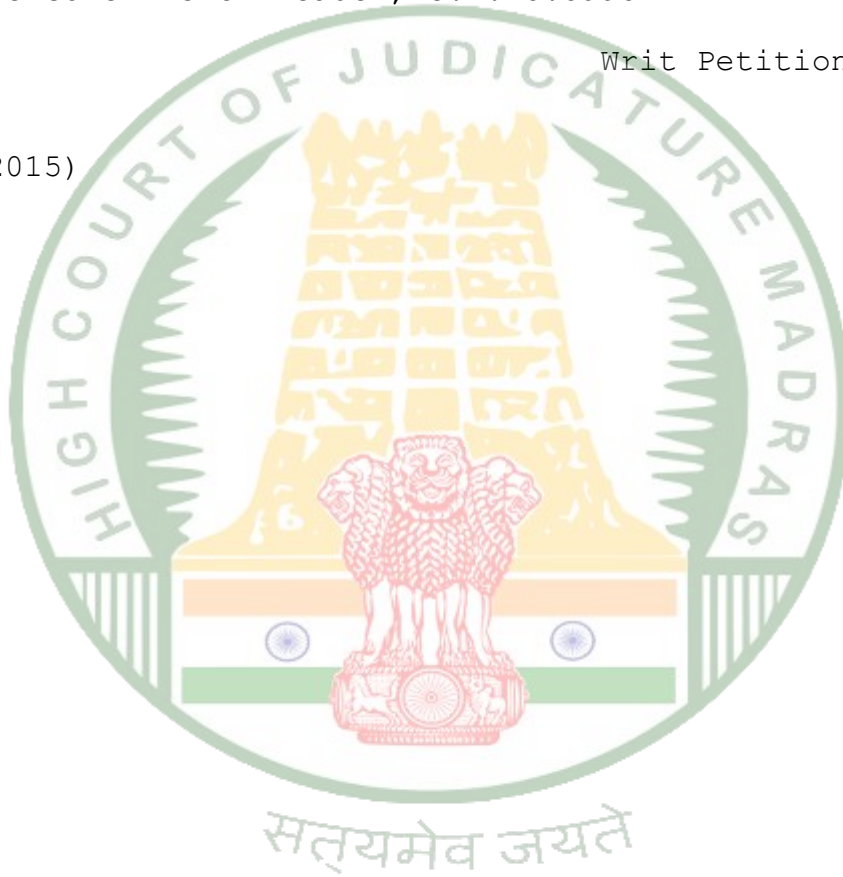
3. The Inspector of Police
Kaveripakkam Police Station
Kaveripakkam, Vellore District

+1cc to Mr.M.V.Muralidaran, Advocate, S.R.No.39766

+1cc to the Government Pleader, S.R.No.39931

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AK(CO)
CA(21/08/2015)



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