

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.9.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.28607 of 2012

& MP.NO.1 OF 2012

M.Sekar

.. Petitioner

vs.

1. The Commissioner of Police
Salem City
Salem

2. The Deputy Commissioner of Police
Salem City
Salem

3. The Inspector of Police
Central Crime Branch
Land Grabbing Cell
Salem Town Police Compound
Salem - 1

... 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 give police protection for fencing the property in property in S.Nos.AG/21A, AG/21B, AG/2C to an extent of 36 1/2 cents situated at No.50, Ammapettai Town, Salem Taluk & District for more efficient enjoyment of the same from the alleged land grabbers and passes such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For petitioner : Mr.I.Paul Noble Devakumar

For respondents : Mr.R.Ravichandran AGP

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 give police protection to the petitioner for fencing the property bearing S.Nos.AG/21A, AG/21B, AG/2C, having an extent of 36 and 1/2 cents, situated at No.50, Ammapettai Town, Salem District.

3. The learned Additional Government Pleader appearing for the respondents had submitted that the present writ petition filed by the petitioner is not maintainable, as it would be open to the petitioner to raise the civil dispute against the persons, who are attempting to interfere with the peaceful possession and enjoyment of the property in question, by the petitioner. He had further submitted that it would also be open to the petitioner to file a fresh criminal complaint against such persons, if so advised. However, the petitioner had not preferred any criminal complaint against the persons, who are allegedly interfering with the peaceful possession and enjoyment of the property in question, by the petitioner.

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 the present writ petition, preferred by the petitioner, is not maintainable. Hence, the writ petition stands dismissed. However, it goes without saying that it may be open to the petitioner to seek his remedies, if any, before the appropriate forum, in the manner known to law. No costs.

sd/

सत्यमेव जयते
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To:

1. The Commissioner of Police
Salem City
Salem

2. The Deputy Commissioner of Police
Salem City
Salem

3. The Inspector of Police
Central Crime Branch
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+1 CC to Govt.Pleader. SR.NO. 52448

W.P.No.28607 of 2012

CO-GJ
JD 27/10/2015



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