

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 12-08-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.29006 of 2014

V. Anbalagan

.. Petitioner

Vs

1.The Superintendent of Police
Office of the Superintendent of Police
Cuddalore.

2.The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Neyveli, Cuddalore District.

3.The Inspector of Police
Vadalure Police Station
Vadalure.

4.T.Jeyapal

5.T.Sivakumar

... Respondents

Prayer: The writ petition is filed seeking for a Writ of Mandamus, directing the third respondent to provide the police protection for the purpose of erecting the barbed wire fencing in his land bearing S.No.83/8 for the extent of 6 cents situated at Annathanampettai Village, Kurinjipadi Taluk, Cuddalore District by considering his representation, dated 21.9.2014.

For Petitioner : M/s.K.Sembulingam

For Respondents : Mr.K. Dhananjayan
1 to 3 Special Govt. Pleader

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O R D E R

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsel, appearing on behalf of the respondents.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the third respondent to provide police protection, for the purpose

of erecting a barbed wire fencing, in the land of the petitioner, bearing S.No.83/8, for an extent of 6 cents, situated at Annathanampettai Village, Kurinjipadi Taluk, Cuddalore District, by considering the representation of the petitioner, dated 21.9.2014.

3. A counter affidavit has been filed by the third respondent.

4. The learned counsel, appearing on behalf of the respondents 1 to 3 had submitted that in respect of a private dispute between the petitioner and the fourth and the fifth respondents herein, a representation has been submitted by the petitioner, dated 21.9.2014.

5. He had further submitted that a complaint lodged by the petitioner has been registered, in C.S.R.No.152 of 2014, on the file of the Vadalur Police Station and inspite of several requests having been made, the petitioner had not attended the enquiry conducted by the respondent police.

6. The learned counsel had further submitted that, during the course of the enquiry, it had been noted that the fourth and the fifth respondents had purchased the property in question, by way of a registered sale deed, dated 9.4.2009 and the petitioner had also purchased the same property, by way of a sale deed, dated 23.9.2013. Thus, it is found that the dispute between the petitioner and the fourth and the fifth respondents is purely of a civil nature.

7. In view of the said submissions made by the learned counsel, appearing on behalf of the respondents 1 to 3 herein, and in view of the averments made in the counter affidavit filed by the third respondent, dated 30.6.2015, this Court is of the considered view that the issues raised by the petitioner, in his representation, dated 29.1.2014, are purely of a civil nature. As such, the writ petition filed by the petitioner is liable to be dismissed. Hence, it is dismissed. However, it goes without saying that it may be open to the petitioner, to seek his remedy, if any, before the appropriate civil forum, if so advised, in the manner known to law. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

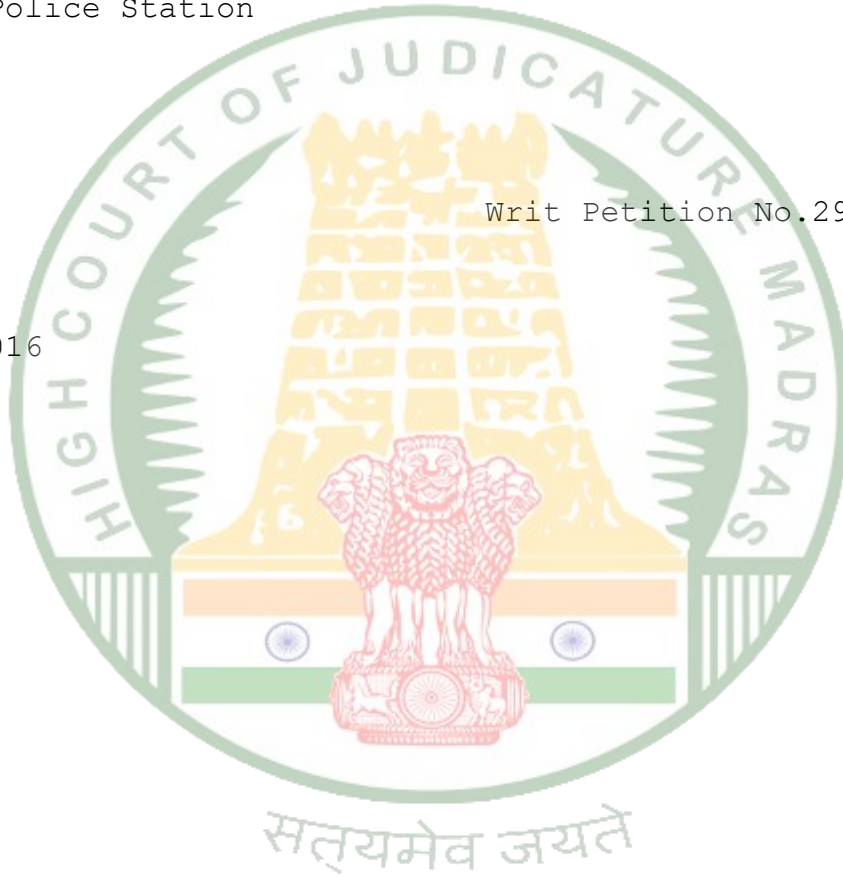
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