



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Friday, the First day of July Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice NOOTY. RAMAMOHANA RAO
and
The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.5831 of 2016
IN
WA(MD) No.SR3407 of 2016

1 KASMEERA
2 SHAJAHAN

... PETITIONERS/APPELLANTS

Vs

1 KATHAMUTHU PILLAI,
2 THE SUB-INSPECTOR OF POLICE,
KARUR, AVUDAIYARKOIL TALUK,
PUDUKKOTTAI DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order condoning the delay of 271 days in filing the W.A (MD)S.R.No.3407 of 2016 and thus render justice.

Prayer in WA(MD) No.SR3407 of 2016:

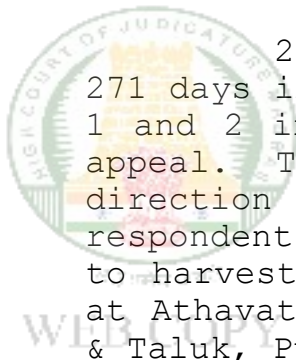
To prefer Memorandum of Grounds of Appeal against the order dated 23.03.2015 made in WP.(MD)No.718 of 2015.

Prayer in WP(MD). 718/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the 3rd respondent to afford the petitioner police protection to harvest the crop in S.No.204/6 with an extent of 0.32.50 hectare (81 Cents) at Athavathoor Hamlet No.91, Kalabam Revenue Village, Avudaiyarkoil & Taluk, Pudukottai District, in pursuance of Judgment and Decree rendered in O.S.No.164 of 2007 in his favour by District Munisif Court, Aranthangi on 25.2.2014.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and the petitioner not appeared either in person or by an Advocate, the court made the following order:-

(Order of the Court was made by **NOOTY. RAMAMOHANA RAO, J**)



2.This is an application seeking condonation of delay of 271 days in preferring the accompanying writ appeal. The respondents 1 and 2 in W.P.(MD)No.718 of 2015 have preferred the accompanying appeal. The writ petition itself has been preferred seeking direction to the Sub Inspector of Police, Karur, the third respondent therein to afford the writ petitioner police protection to harvest the crop in S.No.204/6 to an extent of 0.32.50 hectares at Athavathoor Hamlet No.91, Kalabam Revenue Village, Avudaiyarkoil & Taluk, Pudukottai District.

3.Learned single Judge has not granted the relief as prayed for and on the other hand, in paragraph 5, he merely observed that the writ petitioner being an aged person, as and when approaches the police seeking protection, the police will consider the same in accordance with law and give him necessary protection. Such an innocuous order passed by the learned single Judge, could not be a subject matter of challenge in an appeal. Every citizen of this country has got fundamental right of guarantee of life and liberty. If there is a threatened breach, one is entitled to seek police assistance. The appellants herein in that sense cannot be construed as aggrieved persons.

4.Learned single Judge has also made it clear that the police will take into account and consideration the orders passed by the Civil Court as well as any order that might be passed by the Appellate Court. Therefore, we see no justifiable reason to entertain the accompanying writ appeal, all the more so when there is no explanation for condonation of such a huge delay of 271 days.

5.Accordingly, the application seeking condonation of delay of 271 days in filing the accompanying writ appeal is dismissed. Consequently, the accompanying writ appeal is also dismissed.

sd/-
01/07/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE SUB-INSPECTOR OF POLICE,
KARUR, AVUDAIYARKOIL TALUK,
PUDUKKOTTAI DISTRICT.

ORDER IN
CMP(MD) No.5831 of 2016
IN
WA(MD) No.SR3407 of 2016
Date :01/07/2016