



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2016

CORAM

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THE HON'BLE DR.JUSTICE S.VIMALA**W.P.(MD) No.11667 of 2016**

B.Suresh

... Petitioner

-vs-

1. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.
3. Murugesan
4. Lajapathi Chettiyar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 2 to 4 from disturbing the petitioner's possession and enjoyment of the property comprised in Door No. 3/817 including the common wall situated at West Mosque Street, Paramakudi, Ramanathapuram District not otherwise than due process of law besides directing the 2nd Respondent to give police protection for the petitioner's life and limb based on the representation dated 27.06.2016 submitted in person to the respondents 1 and 2 and thus render justice.

For Petitioner : Mr.B.Prahalad Ravi

For R1 & R2 : Mr.D.Muruganandam
Addl.Govt.Pleader

O R D E R

This petition has been filed seeking to forbear the respondents 3 and 4 from disturbing the petitioner's peaceful possession and enjoyment of the property including the common wall, comprised in D.No.3/817, with a consequential direction to the second respondent to provide adequate police protection to the life and limb of the petitioner and his family members.



2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2.

3. When the rights of the parties remain crystallized, there may not be any difficulty for the Court to direct the respondents to provide protection. But, where the parties claim protection, where the disputed civil rights of the parties are involved, it is not safe to direct the respondents to provide protection. The petitioner has stated that representation dated 27.06.2016 is pending with the respondent.

3.1. The allegation is that the petitioner is in enjoyment of a common wall and the opponents are trying to demolish the common wall and the consequent problem had arisen on account of the conduct of the opponents.

4. Under such circumstances, the second respondent is directed to consider the representation of the petitioner dated 27.06.2016 and take a decision thereon on merits and in accordance with law.

With the above direction, the Writ petition is disposed of. No costs. Connected W.M.P.(MD) No.8940 of 2016 is closed.

Sd/-
Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.
3. The Additional Government Pleader
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.B.PRAHALD RAVI, ADVOCATE, SR NO: 34739
mj-ar
JA-NGM-MP/SAR.III/29.7.2016/2P:5C

W.P.(MD) No.11667 of 2016
30.06.2016