



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2016

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CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.238 of 2016
and
W.M.P (MD) No.174 of 2016

S.Pandi : Petitioner

Vs.

1. The Director General of Police,
Chennai.
2. The Superintendent of Police,
Theni, Theni District.
3. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
4. Mr.Venkatachalam,
Inspector of Police,
Palanichettipatti Police Station,
Theni District.

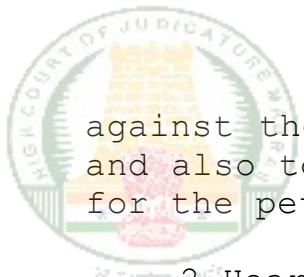
5. Rengasamy : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to dispose of the petitioner's representation dated 19.11.2015 submitted to take appropriate action against the 3rd and 4th respondents and the 5th respondent as well besides directing the 2nd respondent to give police protection for the petitioner's life and limb.

For Petitioner : Mr.S.Alagusundar
For Respondents : Mr.D.Muruganandam,
1 to 3 Addl. Government Pleader.

ORDER

<https://hcservices.echus.gov.in/hcservices/> The prayer in the Writ Petition is for a Writ of Mandamus to direct the second respondent to dispose of the petitioner's representation dated 19.11.2015 praying to take appropriate action



against the third and fourth respondents and the fifth respondent and also to direct the second respondent to give police protection for the petitioners life and limb.

2. Heard the counsel appearing for the petitioner and the Additional Government Pleader appearing for the respondents 1 to 3.

3. The case of the petitioner is that he is enjoying the property comprised in Survey No. 338/6 to an extent of 29 cents for the past 25 years and the adjacent owner viz., fifth respondent filed a suit before the District Munsif Court, Uthamapalayam and the same was ended in his favour. As against the same, an appeal suit was filed and the same is pending. His family members also filed a suit against the fifth respondent before the District Munsif, Bodinayakanur. In these circumstances, the fifth respondent threatened the petitioner to vacate the property and therefore the petitioner lodged a complaint before the third respondent. But, the third respondent is intimidating the petitioner to leave the property. Therefore, he made a representation to the second respondent requesting him to take action against the erring officials, namely, respondents 3 and 4 and also to direct them to give police protection for his life and limb. But, the second respondent has not considered the same. Therefore the petitioner has come forward with this writ petition.

4. It is an admitted case that the fifth respondent has filed a suit and obtained Judgment and decree of the competent Civil Court in his favour. The suit filed by the petitioner against the fifth respondent is pending. According to the petitioner, he has made a representation stating that the fourth respondent is interfering with the civil matter and harassing the petitioner. As the fifth respondent has the benefit of the Judgment and decree of the competent Civil Court and the suit filed by the petitioner against the fifth respondent is pending, this Court makes it very clear that there shall not be any harassment to the petitioner. If the police want to interrogate, it is open for the police to issue summons to the petitioner. On receipt of summons, the petitioner shall appear before the police for enquiry and the police shall investigate into the matter in accordance with law and the mandates as found set out in ***D.K. Basu Vs. State of West Bengal reported in AIR (1997) SC 610.*** If at all any protection should be given, the police shall give protection to the person, who has got the Judgment and decree of the competent Civil Court, if any, or interim order of the competent Civil Court, if any and police protection shall be given to the said person to get possession of his property.



5. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
Chennai.
2. The Superintendent of Police,
Theni, Theni District.
3. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.

+ 1 CC TO MR.S.ALAGU SUNDAR, ADVOCATE IN SR NO. 1249/16
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 1589/16

SMN

TE/JGB-DP/ : 19/01/2016 : 3P/6C

ORDER MADE IN
W.P (MD) No.238 of 2016
and
W.M.P (MD) No.174 of 2016
07.01.2016