



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2016

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THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.(MD) No.15549 of 2013

and

M.P.(MD)No.1 of 2013

Kumaresan

.. Petitioner

vs.

1.The Superintendent of Police,
Kanyakumari District
at Nagercoil.

2.The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 05.09.2013 and to provide adequate protection to him and to take appropriate action against the rowdy elements and keep Law and order in their locality and for the safety of the local peoples.

For Petitioner : Mr.R.Nandakumar

For Respondents : Mr.Aayiram K.Selvakumar
Government Advocate

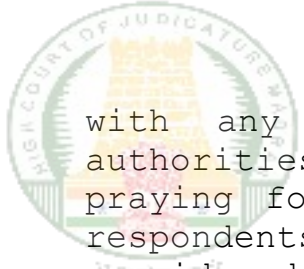
For Implead Respondent : M/s.T.Arul

O R D E R

Heard the Learned counsel for the Petitioner and the Learned Government Advocate appearing for the Respondents.

2.According to the petitioner, since the rowdy elements threatened him, he sent a representation to the respondents on 05.09.2013 seeking adequate protection to him and for taking appropriate action against the rowdy elements and to keep Law and Order in that locality and for the safety of the local people.

3.The grievance of the petitioner, as projected in the writ petition is that his representation dated 05.09.2013 has not met



with any positive response in the hands of the concerned authorities. Therefore, he has filed the present writ petition praying for passing of an order by this Court in directing the respondents to consider his representation dated 05.09.2013 and to provide adequate protection to him etc.

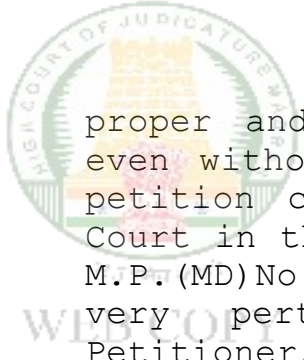
4. In view of the fact that the petitioner's representation, dated 05.09.2013, addressed to the respondents is pending, at this stage, this Court, simpliciter, directs the respondents to look into the representation of the petitioner, dated 05.09.2013, and to dispose of the same, on merits, within a period of ten days from the date of receipt of a copy of this order, by passing a reasoned and speaking order (ofcourse, by affording necessary opportunity to the petitioner by adhering to the principles of natural justice). This Court makes it clear that the petitioner is at liberty independently (de-hors the order passed by this Court in the present writ petition) to submit necessary application/petition before the concerned police authority/authorities and to seek protection. If such an application/petition is received by the concerned authority/police authority, then, it is the bounden duty of the police/concerned authority to look into the same and to provide adequate protection to the petitioner, in the manner known to law and in accordance with Law. Viewed in that perspective the Writ Petition is disposed of with observations and directions. No costs.

5. Coming to the aspect of the filing of M.P.(MD)No.1 of 2013 (seeking to implead the Petitioner as third Respondent in the main writ petition in W.P.(MD)No.15549 of 2013), it is represented that the Petitioner may be impleaded as proposed additional Respondent in the writ petition.

6. At this stage, a cursory perusal of the affidavit filed by the Petitioner in M.P.(MD)No.1 of 2013 in W.P.(MD)No.15549 of 2013, this Court is of the considered view that the Petitioner/proposed Respondent at paragraph No.9 had averred that on 29.08.2013, he had lodged a complaint before the Kulasekaram Police Station vide receipt No.171 of 2013 complaining the act indulgence of cheating on the part of the writ Petitioner.

7. It is also brought to the notice of this Court that the Petitioner/proposed Respondent on 17.09.2013 filed a suit for specific performance in O.S.No.108 of 2013 on the file of the District Judge, and the same pending. In the said suit, an Interlocutory Application praying for amending of plaint was filed and the same was reportedly allowed by the trial Court.

8. In view of the fact that the Petitioner in the main writ petition sought only for passing of an order by this Court to consider his representation, dated 05.09.2013, at this stage, this Court is of the considered view that the Petitioner is not a



proper and necessary party in the main writ petition. Further, even without his presence, this Court opines that the main writ petition can be disposed of, in the eye of Law. As such, this Court in the interest of justice closes the impleading petition in M.P.(MD)No.1 of 2013. Before parting with the case, this Court very pertinently points out that it is open to the Petitioner/proposed Respondent, to work out his remedy in the pending suit in O.S.No.108 of 2013 on the file of the trial Court, in the manner known to Law and in accordance with Law.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

1.The Superintendent of Police,
Kanyakumari District
at Nagercoil.

2.The Inspector of Police,
Kulasekaram Police Station, Kanyakumari District.

+1 CC to Mr.M.R.SREENIVASAN, Advocate, SR No.32264
+1 CC to THE SPECIAL GOVERNMENT PLEADER , SR No.32037
+1 CC to Mr.T.ARUL , Advocate, SR No.32364

W.P. (MD) No.15549 of 2013
21.06.2016

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