

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.11058 of 2017

M. Sridharan

... Petitioner

Vs

1.The Inspector of Police,
M-6, Manali Police Station,
Manali, Chennai - 600 068.

2.B. Azhagammal ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking for a writ of mandamus to direct the respondent to give police protection to lay fence around the land of Petitioner's wife, admeasuring 1232 Sq. Feet, comprised in survey No.205/4 situated at village No.41, Sökkamal Kula Street, Manali, Chennai - 600 068.

For Petitioner : Mr.S.T.Varadarajulu

For Respondent 1 : Mr. S.Babu
Government Advocate

For Respondent 2 : Mrs.Thenmozhi Sivaperumal

O R D E R

The prayer sought for by the petitioner is to direct the respondent to give police protection to lay fence around the land of Petitioner's wife, admeasuring 1232 Sq. Feet, comprised in survey No.205/4 situated at village No.41, Sökkamal Kula Street, Manali, Chennai - 600 068.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate for the first respondent and the learned counsel appearing for the second respondent.

3. The petitioner claims title through a sale deed dated 04.07.2011 registered as Document No.4937 of 2011. The subject property is a land comprised in Survey No.205/4. The second respondent herein also has a claim over the title of the subject

property. In view of the rival claims, the second respondent had filed a civil suit in O.S.No.47 of 2017 seeking for declaration to declare the sale deed No.4937 of 2011 as null and void. The said suit is pending.

4. While the suit is pending, it would not be appropriate for this Court to form an opinion about the possession or title of the respective parties and thereby grant an order, directing the respondent police to extend the police protection. As a matter of fact, this Court, in various cases, has already held that when there is a civil dispute pending before the Court of law, it would not be appropriate for the police to interfere into such complaint.

5. In the result, the writ petition stands dismissed. The petitioner is granted liberty to work out his remedy before the appropriate Civil Forum in accordance with law. No costs.

Sd/-

Assistant Registrar

/true copy/

Sub Assistant Registrar

ak/nl

To

The Inspector of Police,
M-6, Manali Police Station,
Manali, Chennai - 600 068.

1 cc to Mr.S.T.Varadharaulu, Advocate, Sr. 74065

1 cc to the Government Pleader, Sr. 74159

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GR (CO)
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