



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **11.09.2017**

CORAM:

THE HONOURABLE MR. JUSTICE **K.KALYANASUNDARAM**

W.P. (MD) No. 17132 of 2017

and

W.M.P. (MD) No. 13712 of 2017

Thangam

...Petitioner

-Vs-

1. The District Collector,
Nagercoil,
Kanyakumari District.

2. The Superintendent of Police,
Nagercoil,
Kanyakumari District.

3. The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

4. Rajaiyan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1 to 3 respondents to take appropriate action as against the 4th respondent based on petitioner's complaint dated 27.02.2017 and 08.08.2017 in accordance with law within stipulated time fixed by this Court and to adequate police protection to life and limb of the petitioner and worshippers of church while conducting prayer in every Sunday.

For Petitioner : Mr. R. Manimaran

For Respondents : Mr. G. Muthukannan,
Government Advocate (for R1 to R3)

ORDER

The prayer in the Writ Petition is for a direction to the respondents 1 to 3 to take appropriate action as against the 4th respondent, based on the petitioner's complaints dated 27.02.2017 and 08.08.2017 in accordance with law and to give adequate police protection to life and limb of petitioner and worshippers of church, while conducting prayer in every Sunday.

2. Heard Mr. R. Manimaran, learned counsel appearing for the petitioner and Mr. G. Muthukannan, learned Government Advocate who took notice on behalf of the respondents 1 to 3.



3.The petitioner would state that she was the owner of the property to an extent of 4 cents in S.No.1964 situated at Pandarapattam village, Suliyal Desom, Kanyakumari District. She executed a gift deed in favour of the fourth respondent in the year 1973. Since the fourth respondent was not conducted prayer as per her request, she cancelled the settlement deed on 03.04.2017. Thereafter, she made complaint to the respondents 1 to 3 to take action against the fourth respondent. Since there is no proper reply, the present writ petition.

4.Mr.G.Muthukannan, learned Government Advocate, on instruction, would submit that the fourth respondent is claiming right over the property, based on the gift deed of the year 1973 and one Lawrance is making rival claim over the same property and hence, the third respondent has recommended the Executive Authority to initiate the proceedings in this regard under Section 145 of Cr.P.C. and a case was also registered in Crime No.124/17 on 10.04.2017.

5.In the light of the above submission, this Court is of the considered opinion that no further adjudication is necessary. Hence, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Nagercoil,Kanyakumari District.

2.The Superintendent of Police,
Nagercoil, Kanyakumari District.

3.The Inspector of Police,
Arumanai Police Station, Kanyakumari District.

+1cc to Special Government Pleader, SR.No. 78299

skn

MAS/KK/SAR1:25.09.2017:2P-5C

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and

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