



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**W.P.(MD) No.17757 of 2017

P.Somasundaram

... Petitioner

Vs.

1.The Inspector of Police,
Manoor Police Station,
Manoor, Tirunelveli District.

2.The Sub-Inspector of Police,
Devarkulam Police Station,
Sankarankovil Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ petition filed under article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to give police protection for the earth filling work which is scheduled be done in the property of Arul Mighu Lakshmi Vinayagar Temple in Survey No.743/9, Mesiyapuram Village, Sankarankovil Taluk, Tirunelveli District.

For Petitioner : Mr.V.Perumal

For Respondents : Mr.S.Sadhish Kumar

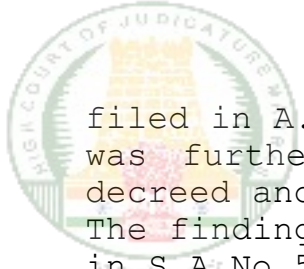
Additional Government Pleader

ORDER

The Writ Petition has been filed for issuing a Writ of Mandamus, to direct the respondents to give police protection for the earth filling work which is scheduled to be done in the property of Arulmighu Lakshmi Vinayagar Temple in Survey No.743/9, Mesiyapuram Village, Sankarankovil Taluk, Tirunelveli District.

2.The learned Counsel for the petitioner submitted that the property in S.No.743/9 in Mesiyapuram Village, Sankarankovil Taluk, Tirunelveli District, is the property of Arulmighu Lakshmi Vinayagar Temple. It is further submitted that a suit came to be filed in O.S.No.95 of 2007, on behalf of the temple for a permanent injunction restraining the defendants therein from interfering with the possession and enjoyment of the temple property.

3.The defendants in the suit also filed a counter claim for mandatory injunction for the removal of the soil dumped in the property that was claimed to be the property of temple. Though the suit was originally dismissed by the trial Court, an appeal was



filed in A.S.No.20 of 2009, before the Sub Court, Sankarankovil. It was further stated by the petitioner that the suit came to be decreed and the cross objection of the defendant was also dismissed. The findings of the appellate Court was also confirmed by this Court in S.A.No.524 of 2011.

4.It is in these circumstances, the petitioner submitted that as regards the civil dispute, by virtue of a judgment and decree, finality has been attained and that the petitioner has sought for police protection, apprehending interference by persons who are only claiming rights under the defendants in the suit filed by the plaintiff earlier.

5.Considering the nature of the case, this Court, without expressing any opinion on the merits of the petitioner's claim, is inclined to pass the following direction :

"The respondents are directed to consider the petitioner's representation dated 07.09.2017 and to take necessary action in case, police protection is required to ensure the implementation of the judgment and decree of the Court concerned in the suit filed by the petitioner".

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CRL. SIDE)

/True Copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Manoor Police Station,
Manoor,
Tirunelveli District.

2.The Sub-Inspector of Police,
Devarkulam Police Station,
Sankarankovil Taluk,
Tirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 80383

+1cc to Mr.V.PERUMAL Advocate in SR. No. 80217

MM

JS/KP/SAR.1/12.10.2017/2P-5C

W.P.(MD) No.17757 of 2017
20.09.2017