



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

W.P. (MD) No.1905 of 2017
and W.M.P. (MD) No.1566 of 2017

V.Elayaraja

... Petitioner

-vs-

- 1.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 2.The Inspector of Police,
Thiruneelakudi Police Station,
Thiruneelakudi,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, directing the Respondents 1 and 2 to consider the Petitioner's Representation dated 21.11.2016 and to proceed further by implementing the Injunction order passed by the Principal District Munsif Court, Kumbakonam in I.A.No.1029/2010 in O.S.No.584/2010 dated 26.11.2010.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the Respondents 1 and 2 to consider the Petitioner's Representation dated 21.11.2016 and to proceed further by implementing the Injunction order passed by the Principal District Munsif Court, Kumbakonam in I.A.No.1029 of 2010 in O.S.No.584 of 2010 dated 26.11.2010.

2.It is the case of the petitioner that he had filed a suit in O.S.No.584 of 2010 before the Principal District Munsif Court, Kumbakonam against his neighbour, whose name has not even mentioned in the affidavit, and in I.A.No.1029 of 2010, he is said to have obtained an order of injunction on 26.11.2010. In view of the above, the petitioner is seeking police protection for implementing the order in I.A.No.1029 of 2010.

3.Heard M.Saravanakumar, learned counsel appearing for the



petitioner and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader appearing for the respondents.

4.In the considered opinion of this Court, such a prayer is not maintainable as such. For implementing the order of the Civil Court, a Writ of Mandamus cannot be issued, especially when the issue is pending before the Civil Court in O.S.No.584 of 2010.

5.However, learned Additional Government Pleader submitted that on account of quarrel between the petitioner and his neighbour two F.I.Rs., namely, Crime Nos.17 and 18 of 2017 have been registered against both the parties and that this petitioner is accused in Crime No.18 of 2017 for offence under Sections 379 and 352 I.P.C.

6.In the light of the above, the prayer of the writ petitioner for police protection cannot be granted and in the result, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar[Writs]

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Thanjavur District,
Thanjavur.

2.The Inspector of Police,
Thiruneelakudi Police Station,
Thiruneelakudi,
Thanjavur District.

+1cc to M/S.Special Government pleader,SR.13464

+1cc to Mr.R.Saravanakumar,Advocate,SR.13796

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and

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KK-MR-15.03.2017-2P-5C