



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAMW.P. (MD) No.10643 of 2016

C.Dhanalakshmi

:Petitioner

Vs.

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

2.The Inspector of Police,
East Gate Police Station,
Thanjavur Town.

3.Ramamorthy

4.Nagarajan

: Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the 2nd respondent to grant necessary police protection to the petitioner, her family members and her property in Survey No.1516/2A with an extent of 0.2982.0 ares situated at Maratiyar Street, Karanthai, Thanjavur District.

For Petitioner

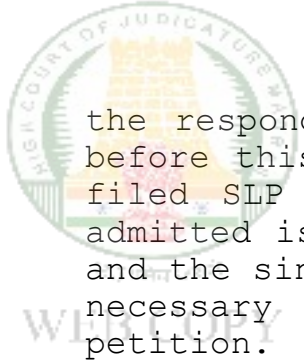
: Mr.P.Muthusamy

For Respondent

: Mr.K.P.Krishnadoss
Government Advocate**ORDER**

This petition is filed to direct the 2nd respondent to grant necessary police protection to the petitioner, her family members and her property in Survey No.1516/2A with an extent of 0.2982.0 ares situated at Maratiyar Street, Karanthai, Thanjavur District.

2.The learned counsel appearing for the petitioner would submit that the petitioner and family members are the owners of the property comprised in Survey No.1516/2A, which was originally belonged to their grand father Angappan Chettiar and he executed a will in favour of his sons and his 2nd wife and they are enjoying the properties, after death of the petitioner's father and the petitioner has been enjoying the said properties by paying the tax to the Government and now, the respondents 3 and 4 are disturbing the possession of the property and hence, she filed O.S.No.147 of 2007 before the District Munsif, Thanjavur and the same was dismissed and against which, A.S.No.29 of 2009 was filed before the Sub Court, Thanjavur which was allowed and aggrieved by the same,



the respondents 3 and 4 filed Second Appeal in S.A.No.747 of 2010 before this court and the same was allowed and now, the petitioner filed SLP No.35494 of 2013 before the Supreme Court and it was admitted issuing notice on the application for condonation of delay and the since, the petitioner was already in possession of property, necessary police protection has to be given as stated in the petition.

3.The learned Government Advocate appearing for the respondents 1 and 2 submitted that since, there is a civil litigation is pending between the parties before the Supreme Court and the issue was not settled, the application filed by the petitioner has to be dismissed.

4.This court has carefully perused the submissions made on either side and entire materials available on record.

5.In this case, a reading of the entire records, it is seen that the present petitioner filed a suit in O.S.No.147 of 2007 for declaration and injunction and the same was dismissed and against which, she filed A.S.No.29 of 2009, which was allowed and aggrieved by the same, the respondents 3 and 4 filed S.A(MD) No.747 of 2010 before this court and against which, the petitioner filed SLP before the Supreme court with a condonation of delay and notice was alone issued. Since, in the SLP filed by the petitioner notice alone was ordered, the decree passed in Second Appeal in S.A.(MD)No.747 of 2010 alone exists, as the suit filed by the petitioner was dismissed by the trial court.

6.In view of the above circumstances, this court is of the considered view that the since, notice alone was ordered in the SLP as well as in the condonation of delay application filed by the petitioner before the Supreme court, the relief sought for by the petitioner cannot be granted at this stage.

7.In the result, this petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar



To,

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

2.The Inspector of Police,
East Gate Police Station,
Thanjavur Town.

+1 cc to Mr.P.Muthusamy, Advocate, Sr.No.2045

AAM ME 24.01.2017 3P 4C

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