



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) Nos.11886 of 2016 and 6266 of 2017

1. A.Rathinavel ... Petitioner in W.P.(MD)11886/2016
2. V.Geetha ... Petitioner in W.P.(MD) 6266/2017

-vs-

1. State of Tamil Nadu,
Rep. by its Home Secretary,
Fort St.George, Chennai-9.
2. The Superintendent of Police,
Thanjavur District.
3. The Deputy Superintendent of Police,
Kumbakonam Sub Division,
Thanjavur District.
4. Mr.Siva Baskar
5. The Inspector of Police,
West Police Station,
Kumbakonam, Thanjavur District.
6. Mr.Ramesh Kumar
7. Mrs.Geetha ... Respondents in W.P.(MD)11886/2016
1. The Superintendent of Police,
Thanjavur District.
2. The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam, Thanjavur District. ... Respondents in W.P.(MD)
6266/2017

Prayer in W.P.(MD) 11886/2016: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the Respondents 3 to 6 not to harass the petitioner by interfering in to the Civil Dispute in Respect of Hotel Padmavathi Bhavan NO. 7 ESS.VEE Towers Nageswaram south Street Kumbakonam Thanjavur District.

Prayer in W.P.(MD) 6266/2017: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 25.03.2017 and consequently



direct him to provide adequate police protection to the life and property of the petitioner.

For Petitioner : Mr.V.Ramamoorthy
For Mr.M.Seeni Sulthan
(in W.P.(MD)11886/2016)
Mr.C.Muthusaravanan
(in W.P.(MD)6266/2017)
For R1 to R3 & R5 : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader
(in W.P.(MD)11886/2016
& 6266/2017)
For R7 : Mr.C.Muthusaravanan
(in W.P.(MD)11886/2016)

O R D E R

On a conspectus of the facts obtaining in this case, it appears that there is a serious dispute between Rathinavel / petitioner in W.P.(MD)11886/2016 and Geetha / petitioner in W.P.(MD)6266 of 2016 in connection with running of a hotel by name Padmavathi Bhavan and therefore, both of them have filed individual writ petitions, seeking Police protection and not to harass.

2. In the considered opinion of this Court, a dispute of this nature cannot be resolved in writ proceedings as the disputed question of facts cannot be gone into by a writ Court and it is the Civil Court, which can give remedy to either of the parties. Under such circumstances, these writ petitions are closed with liberty to the petitioners to appear before the Civil Court. The respondent police are directed not to take sides with either of the party in the civil dispute, unless there is commission of cognizable offence. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To:

1. The Home Secretary, Fort St.George, Chennai-9.
2. The Superintendent of Police, Thanjavur District.
3. The Deputy Superintendent of Police,
Kumbakonam Sub Division, Thanjavur District.
4. The Inspector of Police,
West Police Station,
Kumbakonam, Thanjavur District.

+Two ccs to The Special Government Pleader,SR.Nos.52507 and 52521

+One cc to Mr.M.Seeni Sulthan, Advocate,SR.No.52647

+One cc to Mr.C.Muthusaravanan, Advocate,SR.No.52437

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<https://hservices.courts.gov.in/hservices> 2/2.5.2017

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17.04.2017