



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P (MD) No.1480 of 2016

WEB COPY

1.M.Magendran

2.M.Pushpanathan

... Petitioners

Vs.

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

2.The Deputy Superintendent of Police,
Papanasam Taluk, Thanjavur District.

3.The Inspector of Police,
Ayyampettai Police Station,
Ayyampettai, Thanjavur.

4.The Sub Inspector of Police,
Ayyampettai Police Station,
Ayyampettai, Thanjavur.

5.The District Collector,
Thanjavur District.

6.The Tahsildhar,
Papanasam, Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to give Police protection by implementing the order in I.A.No.626 of 2015 in O.S. No.131 of 2015 dated 07.12.2015 on the file of District Munsif Court, Thiruvaiyaru.

For Petitioners : Mr.N.Sivakumar

For Respondents : Mr.T.S.Mohammed Mohideen

Additional Government Pleader

O R D E R

This Writ Petition has been filed for a direction to the respondents to give Police protection, by implementing the order in I.A.No.626 of 2015 in O.S. No.131 of 2015, dated 07.12.2015, on the file of District Munsif Court, Thiruvaiyaru.



2. Heard the counsel appearing for the petitioners, and the Additional Government Pleader appearing for the respondents.

3. Today, Mr.M.Visuvasam, Sub Inspector of Police, Ayyampettai Police Station, Ayyampettai, Thanjavur, is present before this Court.

4.It is the case of the petitioners that the property in question belongs to them and that the District Collector and Tahsildar are putting a road in their property. Therefore, they gave a representation to the District Collector, which was dismissed by him. Aggrieved by that, they filed an appeal to the Additional Chief Secretary, Commissioner of Land Administration, Chepauk, which was not entertained by the Additional Chief Secretary. Therefore, the petitioner filed W.P.No.5839/2015, in which, the learned Single Judge of this Court had directed the Additional Chief Secretary to consider the appeal filed by the petitioner. Even thereafter, the appeal filed by the petitioner was dismissed by the Additional Chief Secretary on the ground that it is not maintainable. Aggrieved by the said order, the petitioner filed W.P.No.25109/2015, in which, final orders were passed on 13.08.2015 holding that when the statute does not provide for appeal, the Court cannot direct the authorities to treat a petition as appeal and pass orders. After having said so, this Court gave liberty to the petitioner to file a comprehensive suit and until then, this Court had granted status quo. While so, the petitioners filed O.S.No.131/2015 before the District Munsif, Thiruvaiyaru against the District Collector and Tahsildar for permanent injunction and has obtained an interim order of injunction restraining them from interfering with the property.

5. Not content with that the petitioner has filed IA No.626/2015 in O.S.No.131/2015 under Section 151 CPC for a direction to the Iyyampettai Police to afford sufficient protection to him against the Collector and Tahsildar, in which, the learned District Munsif has passed the following order on 07.12.2015:-

"In the result, Inspector of Police Ayyampettai is directed to afford sufficient police protection to obey the order of this Court. No cost."

6. This order is clearly against the judgment of this Court in **G.Krishnan v. Tulasi Ammal** reported in **1991 (1) LW 513**, wherein, a learned Single Judge has gone into the entire legal aspects and has stated that under Section 151 of CPC, such police protection orders cannot be granted. That apart, this police protection has been granted against the District Collector and Tahsildar, which is very strange. Not satisfied with that, the petitioner has filed the present Writ petition for a Mandamus for police



protection against the District Collector and Tahsildar.

7. In the considered opinion of this Court, this petition is totally misconceived and deserves to be dismissed. Accordingly, the same is dismissed.

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Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The District Munsif Court, Thiruvaiyaru.

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

3. The Deputy Superintendent of Police,
Papanasam Taluk, Thanjavur District.

4. The Inspector of Police,
Ayyampettai Police Station,
Ayyampettai, Thanjavur.

5. The Sub Inspector of Police,
Ayyampettai Police Station,
Ayyampettai, Thanjavur.

6. The District Collector,
Thanjavur District.

7. The Tahsildhar,
Papanasam, Thanjavur District.

+1cc to Mr. N. Sivakumar, Advocate, SR.63199

+1cc to M/s. The Special Government Pleader, SR.62890

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KM/RR

KK/MR KKR/SAR2-19.07.2017-3P-10C