



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.01.2017

Coram

THE HON'BLE MR.JUSTICE M.S.RAMESHWrit Petition (MD)No.4014 of 2011

WEB COPY

Sathyamoorthy

... Petitioner

-Vs-

- 1.The Superintendent of Police,
Karur,
Karur District.
- 2.The Deputy Superintendent of Police,
Karur, Karur District.
- 3.The Inspector of Police (Law & Order),
Pasupathipalayam,
Karur District.
4. Tahsildar,
Karur, Karur District.
- 5.The District Registrar,
Collector Office Campus,
Karur.
- 6.The Sub Registrar,
Sub Registration Office,
Melakarur, Karur,
Karur District.
7. Marappan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to give necessary protection for the petitioner and also for the petitioner's properties as per the representation of the petitioner, dated 09.02.2011.

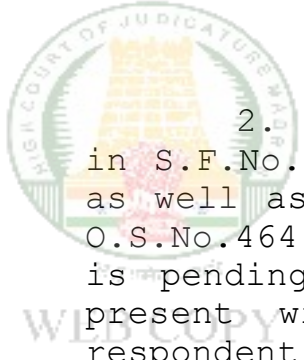
For Petitioner : Mr.P.Krishnasamy

For R1 to R6 : Mr.T.R.Janarthanan
Additional Government Pleader

For R7 : Mr.R.Devaraj for
M/s.Dakshans Associates

O R D E R

The writ petition has been filed for a Writ of Mandamus directing the first respondent to give necessary protection for the petitioner and also for the petitioner's properties, as per the representation of the petitioner, dated 09.02.2011.



2. Disputing the possession and enjoyment of the property in S.F.No.454/2 in Thanthoni Village, Karur Taluk, the petitioner as well as the seventh respondent are contesting a Civil Suit in O.S.No.464 of 2009 before the District Munsif Court, Karur, which is pending. During such pendency, the petitioner has filed the present writ petition seeking for a Mandamus to the first respondent to grant police protection for his properties.

3. On a perusal of the affidavit, it is seen that the petitioner has not made out a case for granting the relief sought for in the present writ petition. Pending the suit, on 25.09.2009, the petitioner has also lodged a complaint to the third respondent, seeking for police protection alleging certain interference to his properties by the seventh respondent. Consequent to the petitioner's request, the Inspector of Police, Pasupathipalayam had summoned both the petitioner as well as the seventh respondent and after enquiry, both of them had given a statement to the said Inspector of Police that they would sort out their indifferences with regard to their respective title and rights over the subject property before the civil forum. It is needless to point out that the prayer sought for in the present writ petition can be made by way of an application before the concerned civil Court also, where the suit is pending. I do not see any dereliction of duties on the part of the third respondent in order to invoke Article 226 of the Constitution of India.

4. In such circumstances, the writ petition is dismissed by giving liberty to the petitioner to make an application seeking police protection before the concerned Civil Court, if he choses to do so. No costs.

Sd/
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

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

2.The Deputy Superintendent of Police,
Karur, Karur District.

<https://hccourtscs.judiciary.gov.in/>
3.The Inspector of Police (Law & Order),
Pasupathipalayam,
Karur District.



4. Tahsildar,
Karur, Karur District.

5. The District Registrar,
Collector Office Campus,
Karur.

6. The Sub Registrar,
Sub Registration Office,
Melakarur, Karur,
Karur District.

+1cc to M/s.P.Krishna Samy, Advocate, in SR No.1436
+1cc to M/s.R.Devaraj, Advocate, in SR No.1752
+1cc to Special Government Pleader in SR.No. 1960

AKV

AAM EM JMP 27.01.2017 3P 10C

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