

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.31021 of 2016

1. K.Loganathan
2. S.M.Eswaramoorthy
3. R.Prakash
4. M.Eswaran .. Petitioners

Vs

1.The Inspector of Police,
Annur Police Station,
Annur.
2. S.R.Jothimani
3. P.Ramachandran .. Respondents

(R3 impleaded as per order dt.29.06.2017
in WMP.No.37175 of 2016)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the 1st respondent to provide adequate police protection to the petitioners while fencing their properties being Punja Land measuring an extent of 2486 sq.ft. equivalent to 231 sq.meter being comprised in S.No.198/4B, and 1 Acre and 80 cents being comprised in S.No.199/1, MasaGoundaChetty Palayam, Annur Taluk, (formerly Coimbatore North Taluk), Coimbatore District, while fencing their property.

For Petitioners : Mr.R.Sundara Kamesh Marthandan

For Respondents : Mrs.R.Krishnapriya,
Additional Government Pleader for R1
Mr.I.Abrar MD. Abdullah for R2
Mr.S.B.Viswanathan for R3

O R D E R

The writ petition has been filed for a direction to the 1st respondent to provide adequate police protection to the petitioners while fencing their properties being Punja Land measuring an extent of 2486 sq.ft. equivalent to 231 sq.meter being comprised in S.No.198/B, and 1 Acre and 80 cents being comprised in S.No.199/1, MasaGoundaChetty Palayam,

Annur Taluk, (formerly Coimbatore North Taluk), Coimbatore District, while fencing their property.

2 The prayer in the writ petition cannot be maintained before this Court, exercising its power under Article 226 of Constitution of India, since the allegations have been raised with regard to the possession and title.

3 In my view, all these aspects can be raised before the concerned Civil Court, where, a suit is already pending, seeking for declaration and injunction. Hence the petitioner is granted liberty to approach the concerned Civil Court, seeking for similar reliefs.

4 With the above observations, the writ petition stands dismissed. No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

The Inspector of Police,
Annur Police Station,
Annur.

+ 1 cc to Mr.S.B.Viswanathan, Advocate Sr.No. 4892

+ 1 cc to Mr.M.Prabakaran, Advocate Sr.No.5370

CO(AK)

RRI 07/02/2018

W.P.No.31021 of 2016

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