



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.17839 of 2018

P.Thangaiah

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Deputy Superintendent of Police,
Theni Sub Division, Theni.

3.The Inspector of Police,
Palani Chettipatti Police Station,
Theni District.

... Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take necessary steps to register the FIR based on the petitioner's complaint dated 03.08.2018 and consequently direct the respondents to give necessary police protection to the petitioners for entering into the petitioner's land and consider the petitioner's representation dated 04.08.2018 within a stipulated time in accordance with law.

For Petitioner : Mr.M.Prabu

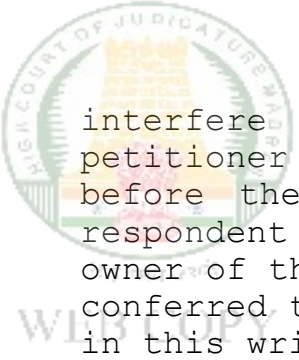
For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

This petition has been filed for a direction to the respondent police to register an FIR, based on the complaint given by the petitioner and also to give police protection to the petitioner.

2. The allegation made in the affidavit clearly pointed out the fact that the persons, who are alleged to have attempted to trespass into the property of the petitioner are neighbours of the petitioner. The petitioner, after making all allegations against them, has not even chosen them to implead them as parties in this writ petition.

3. In any case, the nature of allegation that have been made in the affidavit warrants filing of a civil suit before the appropriate Court against the persons, who are attempting to



interfere with the property of the petitioner. If in case the petitioner seeks for a police protection, the same can be done even before the Civil Court by filing an appropriate petition. The respondent police will not have a right to decide as to who is the owner of the property and it is only the Civil Court, which has been conferred the said jurisdiction. This Court does not find any merit in this writ petition.

4. Accordingly, the writ petition is dismissed with the above observations. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Theni District.
- 2.The Deputy Superintendent of Police,
Theni Sub Division, Theni.
- 3.The Inspector of Police,
Palani Chettipatti Police Station,
Theni District.

+1cc to Mr.M.Prabhu, Advocate in SR No.82463
+1cc to Spl Government Pleader SR No.82505

W.P. (MD) No.17839 of 2018

NM/SV/SAR 4/26.09.2018/2P/6C



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