



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A(MD)NO.1253 OF 2013

and

M.P(MD)No.4 of 2013

K.Sadhasivam :Appellant/Petitioner/Third Party

.vs.

1.Manonmani : Respondent/Writ Petitioner

2.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3.The Inspector of Police,
Arumanai Police Station,
Arumanai,
Kanyakumari District. :Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.15748 of 2012, dated 18.12.2012.

Prayer in WP(MD). 15748/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to give adequate police protection while constructing the new Church located in Survey No. 270/2, Manjalamoodu, Arumanai Village, Kanyakumari District and building work labours by taking action on the petitioner's complaint, dated 05.11.2012.

For Appellant :Mr.C.Muthu Saravanan

For Respondent-1 :No appearance

For Respondents :Mr.C.M.Mari Chelliah Prabu
2 and 3 Addl.Govt.Pleader



JUDGMENT

[Judgment of the Court was made by K.RAVICHANDRABAABU, J.]

This Writ Appeal is filed by a third party to the Writ Petition, after obtaining leave from this Court.

2.The first respondent herein, as Writ Petitioner, has sought for a direction to the respondents to give adequate Police protection while constructing the new church located in S.No.270/2, Manjalamoodu, Arumanai Village, Kanyakumari District and building work labours by taking action on the Petitioner's complaint, dated 5.11.2012.

3.The Writ Court by order, dated 18.12.2012, disposed the Writ Petition by directing the Inspector Police, Arumanai Police Station, Kanyakumari District to consider the complaint given by the Petitioner and pass orders on the same on merits and in accordance with law, after affording an opportunity of hearing to the parties concerned, within a period of two weeks. The present Writ Appeal is filed by the appellant by contending that the Writ Court had erred in passing such order without considering the fact that a civil dispute is pending between the parties.

4.When this matter was taken up on 18.07.2018, the learned counsel for the appellant as well as the learned Government Advocate appearing for the respondents 2 and 3 sought time to ascertain the present state of affairs. Accordingly, the matter was adjourned and is listed today, for further hearing. However, the learned counsel for the appellant as well as the learned Government Advocate are not in a position to inform this Court with regard to the present state of affairs. Though they seek further time to get instruction, We are not inclined to grant further adjournment for the simple reason that the Writ Court has disposed the Writ Petition only with a direction to the Inspector of Police to consider the complaint of the Writ Petitioner and pass orders on the same on merits and in accordance with law after giving opportunity of hearing to the parties concerned. When such direction was issued without affecting the interest of any of the parties, We do not think that the appellant herein is justified in challenging such order, as he had ample opportunity to place all his objections before the Inspector of Police, Arumanai Police Station, Kanyakumari District. Therefore, We find no merit to interfere with the order of the Writ Court.

5.Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/

Assistant Registrar(CO)

/True copy/



To

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Arumanai Police Station,
Arumanai,
Kanyakumari District.

+1cc to Mr.C.MUTHU SARAVANAN, Advocate, SR.No.74782

+1cc to M/s.Special Government Pleader,SR.No.74883

W.A (MD) NO.1253 OF 2013
and
M.P (MD) No.4 of 2013
25.07.2018

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