



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2018

C O R A M

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.13570 of 2013

and

M.P.(MD)No.1 of 2013 and 1 of 2014

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Shenbagavalli

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
At Nagercoil.
2. The Superintendent of Police,
Kanyakumari District,
At Nagercoil.
3. The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.
4. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil.
5. The Deputy Superintendent of Police,
Nagercoil Division,
Kanyakumari District.
6. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
7. Thiru.Thanulingam Nadar Ninaivu
Hindu Samutha Seva Ara Nambakam,
Rep by its Trustee,
C.Rajeswaran S/o Chellaian,
Sri Krishna Nilayam,
Maruthancode, Kanyakumari District.

... Respondents

(R7 is impleaded vide Court order dated
04.02.2013 in M.P.(MD)No.2 of 2013)

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the respondents herein to remove the lock and seal put by the respondents on 13.08.2013 in the petitioner's residence and Law Office at Door No.293, 6th Street, DVD Nagar, Kottar, Nagercoil-629002, Kanyakumari District forthwith and consequently direct the 2nd respondent to provide adequate police protection to the life and property of the petitioner and her family members.



For Petitioner : Mr.V.Vamanan
For R1 to R6 : Mr.Aayiram K.Selvakumar
Additional Government Pleader
For R7 : Mr.K.N.Thambi

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ORDER

The Writ Petition has been filed to remove the lock and seal put up by the respondents 1 to 4 in the petitioner's premises at door No.293, 6th Street, DVD Nagar, Kottar, Nagercoil-629002, Kanyakumari District.

2.According to the petitioner, the petitioner and her family was residing in the above said address, and her father was a lessee of the property, which belongs to one Kottar Chetty Nainaar Desiga Vinayagar Devasthanam Trust; her father was implicated in a criminal case. In 1st floor of the petitioner's premises an office, namely Hindu Munnany Association is running. Frequently, they are threatening the petitioner and her family members and causing damages to the wall and the household articles. Hence, the petitioner lodged a complaint in Crime No.230 of 2013. This being the position, now the respondents 1 to 4 without conducting any enquiry whatsoever have locked and sealed the petitioner's premises. Hence, she filed the present writ petition.

3.Earlier, this Court by way of an interim order dated 16.08.2013 directed the respondents 1 to 4 to remove the lock and seal and permit the petitioner to use the first floor premises, where the petitioner is stated to have her residence and also directed the respondents 1 to 4 to afford sufficient police protection. As per the order passed by this Court, the lock and seal has been removed and the petitioner was put in possession in the premises.

4.The learned counsel appearing for the respondents 1 to 4 submitted that as on today, there is no other proceeding is pending against the petitioner and the complaint given by the petitioner has been enquired into and a final report has also been filed.

5.Considering the fact that by the interim order dated 16.08.2013, the lock and seal has been removed by the respondents 1 to 4 and the petitioner has been put in possession, the above said interim order is directed to be continued. If the seventh respondent has any civil dispute against the petitioner, it is always open to him to approach the Civil Court to settle his civil dispute.



6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, M.P. (MD) No. 1 of 2013 and 1 of 2014 are closed.

Sd/-

Assistant Registrar (AS)

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/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Kanyakumari District,
At Nagercoil.
2. The Superintendent of Police,
Kanyakumari District,
At Nagercoil.
3. The Revenue Divisional Officer,
Nagercoil, Kanyakumari District.
4. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil.
5. The Deputy Superintendent of Police,
Nagercoil Division,
Kanyakumari District.
6. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

+1cc to Mr. K. N. Thambi, Advocate Sr. No. 52846

+1cc to Spl. Government Pleader Sr. No. 53319

TA

VB/SV/MMS/SAR3/13.04.2018/3P/9C

W. P. (MD) No. 13570 of 2013

05.03.2018