

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10585 of 2016

P.Selvaraj

...Petitioner

Vs.

1.The Superintendent of Police
Gandhi Nagar,
Vellore District

2.The Deputy Superintendent of Police,
Ambur Taluk,
Vellore District

3.The Inspector of Police,
Ambur Town Police Station,
Ambur,
Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the 3rd respondent to offer police protection to the petitioner as per the complaint No.80/2016 dated 29.02.2016.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

O R D E R

This petition has been filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the 3rd respondent to offer police protection to the petitioner as per the complaint No.80/2016 dated 29.02.2016.

2. It is seen from records that the petitioner has already filed a suit in O.S.No.17 of 2016 before the District Munsif Court, Ambur. In the said suit, the petitioner has filed

I.A.No.50 of 2016, seeking for interim injunction restraining the defendant from interfering the peaceful possession and enjoyment of the petitioner's property. The Court below has also granted an order of injunction in favour of the petitioner.

3. The learned counsel for the petitioner would submit that in spite of the interim order passed, the defendants in O.S.No.17 of 2016 are continuously interfering the possession and enjoyment of the petitioner and they are causing threat to the petitioner and therefore, the petitioner gave a complaint to the respondent police seeking for police protection. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4. The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature, since, admittedly, the suit is pending before the Court below.

5. Heard Mr.V.Raghavachari learned Counsel for the petitioner and M.M.Mohamed Riyaz learned Additional Public Prosecutor for the respondent police.

6. The petitioner in this case has admittedly obtained an order of injunction against the defendants in O.S.No.17 of 2016. The defendants are continuously interfering the possession and enjoyment of the petitioner. The petitioner has to file an appropriate petition before the Court below and initiate contempt proceedings. It is also possible for the petitioner to seek for police protection before the Court below, by filing an appropriate petition under Section 151 of Cr.P.C. The petitioner cannot maintain an independent petition before this Court seeking for police protection. The police cannot interfere in this case, unless, a specific direction is given by a competent Civil Court.

7. In view of the above, this Writ petition is disposed of, by giving liberty to the petitioner to workout his remedy before the Court below in the manner indicated herein above.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vsn

To

1.The Superintendent of Police
Gandhi Nagar,
Vellore District

2.The Deputy Superintendent of Police,
Ambur Taluk,
Vellore District

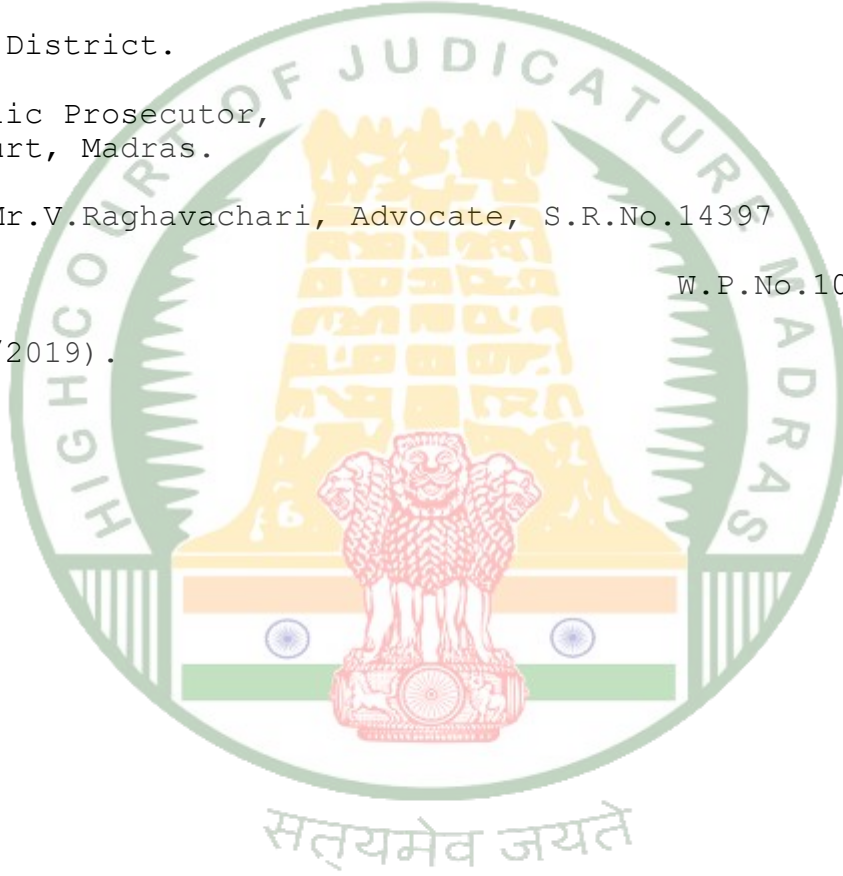
3.The Inspector of Police,
Ambur Town Police Station,
Ambur,
Vellore District.

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Raghavachari, Advocate, S.R.No.14397

W.P.No.10585 of 2016

SV(CO)
SSM(20/03/2019).



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