

INTHE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.24606 of 2015

and

M/P.No.1 of 2015

K.Karthik

..Petitioner

.Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore.

3.The Revenue Divisional Officer,
State Bank Road,
Coimbatore-18,
Coimbatore District.

4.The Commissioner of Police,
Coimbatore City,
Coimbatore-18.

5.S.Devaraj

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to ensure safety to the petitioner and his customers by taking against the 5th respondent for causing nuisance in front of the tenanted premises in Door No.27-5/20 Thadagam Main Road, Kovil Medu, Velandipalayam, Coimbatore-25 by considering the petitioner's representations dated 04.05.2015 and 07.05.2015.

For Petitioner : Mr.N.Manokaran

For R 1,3 & 4 : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

For R 2 : Mr.J.Sathya Narayana Prasad

For R 5 : Mr.K.Myilsamy

ORDER

This Writ Petition has been filed seeking for a Police Protection as against the 5th respondent.

2. It is the case of the petitioner that he is a tenant under the 5th respondent. The 5th respondent in order to illegally dispossess the petitioner was taking steps to engage henchmen and throw away the petitioner from the property. A suit was filed in O.S.No.55 of 2014, on the file of the learned Principle District Munsif Court, Coimbatore, seeking for the relief of permanent injunction against the 5th respondent. In the said suit, an interlocutory application was filed, and an interim injunction was also granted in favour of the petitioner, and later it was vacated. Aggrieved by the same, the petitioner filed CMA No.6 of 2015, before the Sub Court, Coimbatore, and an order of Status quo was also granted and the CMA is pending.

3. The learned counsel for the petitioner would submit that the 5th respondent has dug a pit in front of the premises and thereby as virtually prevented the petitioner from accessing the property and has resorted to an ingenious way of evicting the petitioner from the premises.

4. In view of the fact that the suit is pending and the CMA filed by the petitioner rejecting the injunction petition is also pending before a Competent Civil Court, this Court is not in the position to give any direction to the respondent Police to give any Police Protection. The petitioner has to necessarily work out his remedy only in the pending civil proceedings.

The writ petition is disposed of by giving liberty to the petitioner to work out his remedy in the pending civil proceedings and seek for an appropriate relief in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

KP

To

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore.

3.The Revenue Divisional Officer,
State Bank Road,
Coimbatore-18,
Coimbatore District.

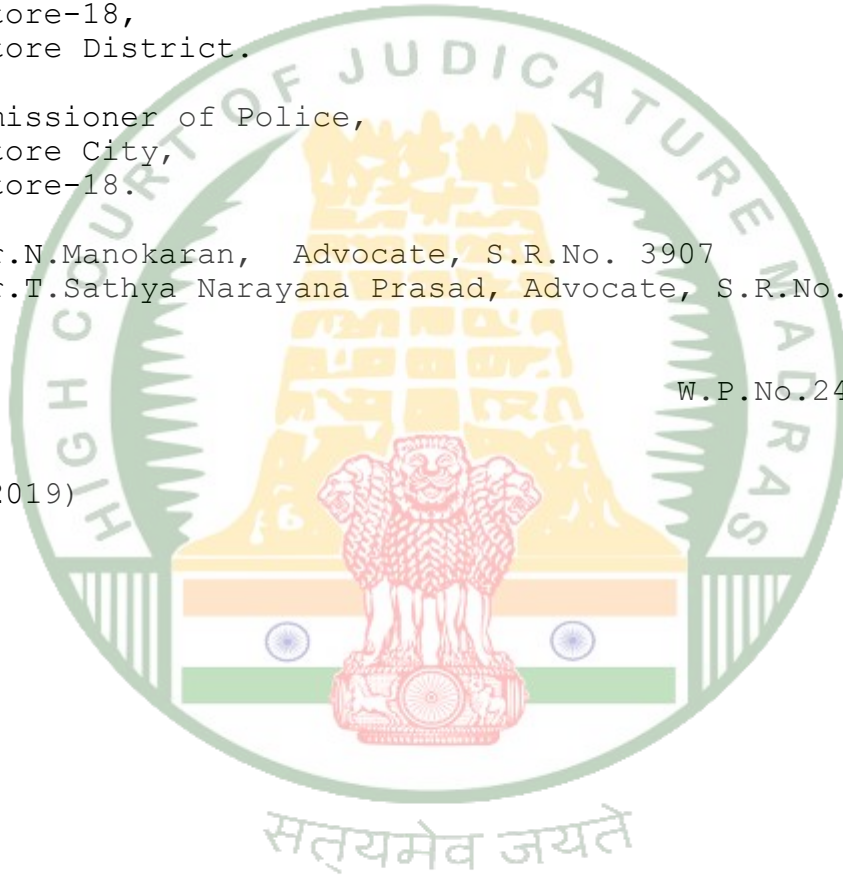
4.The Commissioner of Police,
Coimbatore City,
Coimbatore-18.

+1cc to Mr.N.Manokaran, Advocate, S.R.No. 3907

+1cc to Mr.T.Sathya Narayana Prasad, Advocate, S.R.No. 3889

W.P.No.24606 of 2015

SSV(CO)
GN(08/02/2019)



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