

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15713 of 2017

D.Dhanavel Pillai

... Petitioner

Vs.

1.The Secretary,  
Home Department,  
Government of Tamilnadu,  
Fort St.George,  
Chennai - 600 009.

2.The District Collector,  
O/o.The District Collector,  
Cuddalore District.

3.The Superintendent of Police,  
Beach Road,  
Cuddalore District - 607 001.

4.The Tahsildar,  
Thittagudi Taluk,  
Taluk Office Main Road,  
Thittagudi - 606 106.

5.The Revenue Divisional Officer,  
Revenue Division,  
Vridhachalam,  
Vridhachalam Main Road,  
Cuddalore - 607 001.

6.Mr.Rengasamy

7.Mr.Rahul @ Rahul Gandhi

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3<sup>rd</sup> respondent Superintendent of Police, Cuddalore District, to consider the petitioner's representation dated 08.04.2017, as directed by the 1<sup>st</sup> Respondent Secretary to

Government, Home Department, vide his letter dated 05.05.2017.

For Petitioner : Mr.G.Thyagarajan

For Respondents

For R1 - R5 : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor.

For R6 & R7 : No appearance

#### O R D E R

This petition has been filed to direct the third respondent viz., the Superintendent of Police, Cuddalore District, to consider the petitioner's representation dated 08.04.2017, as directed by the first Respondent viz., the Secretary to Government, Home Department, vide his letter dated 05.05.2017.

2. It is seen from records that the petitioner has already filed a suit in O.S.No.220 of 2015 before the Additional District Munsif Court, Thittagudi. In the said suit, the petitioner has filed I.A.No.452 of 2015, seeking for interim injunction restraining the defendants 1 to 4 not to issue any patta to the encroachers. 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 respondents 6 and 7 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 third respondent police to take action against them. Since the same was not considered, this petition has been filed seeking for appropriate direction.

4. Admittedly, the petitioner has obtained an order of injunction against the respondents and the respondents 6 & 7 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.

5. In view of the above, this petition is disposed of, by giving liberty to the petitioner to workout his remedy before the Court below in the manner indicated herein above. No costs.

rts

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,  
Home Department,  
Government of Tamilnadu,  
Fort St.George,  
Chennai - 600 009.
2. The District Collector,  
Cuddalore District.
3. The Superintendent of Police,  
Beach Road,  
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5. The Revenue Divisional Officer,  
Revenue Division,  
Vridhachalam,  
Vridhachalam Main Road,  
Cuddalore - 607 001.
6. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.G.Thyagarajan, Advocate, SR.No.22537

W.P.No.15713 of 2017

Kak(28/06/2019)