



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.10742 of 2019

WEB COPY

M.Manimaran

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Thiruchy District.

2.The Inspector of Police,
Woraiyur Police Station,
Thiruchy District.

3.Latheef
4.Afrose
5.Dhurap John
6.Shakkeel
7.Jayaraj

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 1st and 2nd respondents police to provide adequate police protection to the petitioner's hotel, namely "Devi Mess" to run the same smoothly without any fear or tear, based on the representation given by the petitioner dated 16.04.2019.

For Petitioner : Mr.Niranjan S.Kumar

For R-1 and R-2 : Mrs.S.Bharathi
Government Advocate (Crl.Side)

ORDER

The petitioner is a tenant under the respondents 3 to 6 of certain premises wherein, he is running a mess and he faces threat to his possession at the hands of his landlord.

2.The learned counsel for the petitioner submitted that the petitioner has moved the Civil Court in O.S.No.286 of 2018, wherein he has obtained an interim injunction.

3.Heard the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2.



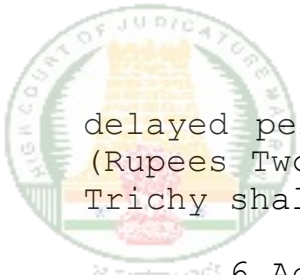
4. In this regard, it is necessary to extract the relevant paragraphs of the judgment reported in **2014 (2) CTC 695 (Radhika Sri Hari and another Vs. The Commissioner of Police, Coimbatore City, Coimbatore and others:-**

"6. The reliance placed on decision referred to by the learned counsel for contesting respondents is misplaced. While it is true that pending civil proceedings, this court would not interfere in exercise of jurisdiction under Section 482 Cr.P.C, the instant is a case, wherein the right of the petitioners to property stand crystallised under order of S.A.No.855 of 1977. Pursuant to subsequent proceedings in W.P.No.7356 of 2012, the property of the petitioners came to be demarcated under proceedings of the appellate authorities viz Town Sub Inspector of Survey, Coimbatore East. Such official act has been challenged by way of contempt proceedings and the same stand dismissed. It is not the contention of learned counsel for contesting respondents that pursuant to the order in Cont.P.No.1444 of 2012, they have moved any civil forum. However, he would submit that contesting respondents are poor people pitted against the affluent persons in whose aid the police agency also is working.

7. In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate adherence. Under C.No.43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11. When police protection is sought for the implementation of a civil court order it should be given readily. Police should not insist on a specific court direction to give police protection."

5. In support of this Government Order circulated by the Government, the second respondent police apparently demonstrate a lackadaisical attitude towards the job at hand. He is now directed to act in terms of G.O.(3D) No.42, Home dated 30.06.2008 and for his



delayed performance of his duty, he shall pay a sum of Rs.2,000/- (Rupees Two Thousand Only) to DLSA, Trichy. On receiving, the DLSA, Trichy shall pay the same to the petitioner on obtaining receipt.

6. Accordingly, this Writ Petition is dismissed. No costs.

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Sd/-

Assistant Registrar (W)

/ True Copy /

Sub Assistant Registrar (CS-)

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To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Thiruchy District.

2. The Inspector of Police,
Woraiyur Police Station,
Thiruchy District.

Copy To:

The Chairman,
District Legal Services Authority,
Trichy

+1 CC to M/s. NIRANJAN S. KUMAR, Advocate
(SR-63907[F] dated 29/04/2019)

W.P. (MD) No. 10742 of 2019

ES/13.06.2019/3P/5C