



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

**W.P. (MD) No.13440 of 2019**

TM.Joe Selvakumar

... Petitioner

Vs.

1. The District Collector,  
Kanyakumari District.
2. The Superintendent of Police,  
Kanyakumari District.
3. The District Manager / Sub Collector,  
TASMAC Ltd.,  
Senbagaramanputhur,  
Kanyakumari District.
4. The Tahsildar,  
Vilavancode Taluk,  
Kanyakumari District.
5. The Inspector of Police,  
Marthandam Police Station,  
Kanyakumari District.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the fifth respondent to consider the petitioner's representation dated 10.06.2019 and provide adequate police protection for the smooth functioning of the TASMAC shop No.4887 situated at R.Sy.No.410/1 of Appattukuzhivilai, Kollanchi Village, Vilavancode Taluk, Kanyakumari District on the basis of the communication dated 27.05.2019 sent by the third respondent to the second respondent.

|                 |   |                              |
|-----------------|---|------------------------------|
| For Petitioner  | : | Mr.M.R.Sreenivasan           |
| For Respondents | : | Mr.K.K.Ramakrishnan          |
|                 |   | Additional Public Prosecutor |

O R D E R

This Writ Petition has been filed seeking a direction to provide adequate police protection for the smooth functioning of TASMAC Shop No.4887 situated at R.SY.No.410/1 of Appattukuzhilivilai Taluk, Kanyakumari District.

2. According to the petitioner, he is the owner of the property, which has been leased out to the Tamil Nadu State Marketing Corporation / third respondent to run a TASMAC shop. Now alleging that there is a likelihood of some untoward incident, the petitioner has made a request to the Superintendent of Police Kannyakumari District to provide adequate police protection. But the same was not given, hence, the petitioner has filed the present petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

4. Admittedly, the petitioner is not running the shop and he is the owner of the building, in which the TASMAC is running. From the record, it would be seen that already the concerned District Manager of the TASMAC shop has approached the Superintendent of Police seeking police protection and the same is pending. The petitioner being the owner of the building, has no right to seek police protection to run the shop. If at all there is a likelihood of any untoward incident, it is for the TASMAC to seek for police protection. In the above circumstance, this Writ Petition is not maintainable and accordingly, it is dismissed. No costs.

Sd/-

Assistant Registrar (WRIT)

// True Copy //

Sub Assistant Registrar(CS )

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To

1. The District Collector,  
Kanyakumari District.
2. The Superintendent of Police,  
Kanyakumari District.
3. The District Manager / Sub Collector,  
TASMAC Ltd., Senbagaramanputhur,  
Kanyakumari District.



4. The Tahsildar,  
Vilavancode Taluk,  
Kanyakumari District.  
5. The Inspector of Police,

COPY TO:

The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1CC TO M/S.B.JAMEEL ARASU,ADVOCATE, SR.NO.69494  
+1CC TO M/S.M.R.SREENIVASAN,ADVOCATE, SR.NO.69527

**W.P. (MD) No.13440 of 2019**  
**17.06.2019**

**BUC (03/07/2019) 3P/9C**