



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.7226 of 2019

and

W.M.P. (MD) .Nos.5786 & 5787 of 2019

Raman

... Petitioner

Vs.

1.The Inspector of Police,
Kottampatty Police Station,
Kottampatty, Madurai District.

2.Rathinam
3.Sargunam
4.Vijayalakshmi
5.Mani
6.Chinnu

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the first respondent to give Police protection to the petitioner for his life and limb and his properties in Survey Nos.85/8, 85/9, 85/9B, 86/2A1, 86/2B, 210/8, 210/11, 210/12, 210/4 and 211/13B, Kottampatti Village, Melur Taluk, Madurai District from the interference of the respondents 2 to 6.

For Petitioner : Mr.T.R.Jeyapalam
For R-1 : Mrs.S.Bharathi
Government Advocate(Crl. side)

ORDER

The petitioner herein seeks protection to his life, liberty, limb and right to his property in Survey Nos.85/8, 85/9, 85/9B, 86/2A1, 86/2B, 210/8, 210/11, 210/12, 210/4 and 211/13B, Kottampatti Village, Melur Taluk, Madurai District.

2.The learned counsel appearing for the petitioner submitted that earlier, the petitioner had laid O.S.No.875 of 1993, before the learned II Additional Subordinate Judge, Madurai, for partition against the second respondent herein, during the pendency of which, the second respondent had sold the property. The suit was decreed in his favour and a final decree came to be passed. Subsequently, the petitioner had laid an Execution petition for delivery of his property. Now, he faces threat to his life, limb, liberty and right to property from the private respondents herein.



3.The learned counsel appearing for the petitioner further submitted that earlier the petitioner had obtained an order for Police protection in W.P.(MD).No.11923 of 2011. Since at the relevant point of time, it was not considered necessary to pressurize with an order against the private respondents it was given up. The scenario has now changed against those respondents.

4.The learned Government Advocate (Crl. side) submitted that no representation / complaint against the petitioner is pending.

5.For the present, if the petitioner alleges that he faces threat to his life and liberty from the private respondents herein, he is directed to give a fresh complaint to the first respondent and on such fresh complaint, the first respondent is directed to enquire into the matter of the complaint filed by the petitioner and take such appropriate decision as may be necessary to protect the life, liberty and right to the property of the petitioner.

6.It is made clear that this Court does not order granting of police protection 24 x 7 and the first respondent is left to decide on the basis of the objective assessment of the threat perception of the petitioner from time to time. The petitioner is now directed to file a representation / complaint before the first respondent for the said purpose and the first respondent is required to cause such necessary enquiry to protect the life, limb and liberty of the petitioner.

7.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar(CS)

To
The Inspector of Police,
Kottampatty Police Station,
Kottampatty, Madurai District.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-57289[F] dated
28/03/2019)

W.P. (MD) No.7226 of 2019
27.03.2019

CS (KM) : 08/05/2019/2P/3C