

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 25.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI**Cr1.O.P. (MD) No.2562 of 2016**

R.Karmegam

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City,
Madurai.

2. M.Hariharasuthan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 1st respondent to give police protection to safe guard the life and liberty of the petitioner namely Mr.R.Karmegam and his land in S.No.226/4C to an extent of 27 cents situated at By-pass road, Madurai 625 016.

For Petitioner: Mr.N.Sundareshan

For R1 : Mr.A.Robinson,
Government Advocate (Cr1., side)

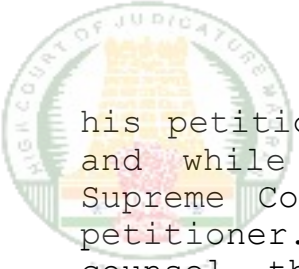
For R2 : Mr.S.Manoharan

O R D E R

This petition is filed seeking for police protection to safeguard the life and liberty of the petitioner and his land in S.No.226/4C to an extent of 27 cents situated in the By-Pass road, Madurai.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that he has obtained an order from the Revenue Divisional Officer, as against which a writ petition was filed in W.P(MD) No.11547 of 2018 and as against the order made in the writ petition, a Writ Appeal has been filed by the respondents herein in W.A.(MD) No.827 of 2018 and the same is now pending. In view of the same, he is not pursuing with the petition.

3. The learned Government Advocate(Criminal side) appearing for the first respondent has strongly objected that the petitioner in the guise of an Advocate has attempted to encroach upon a Government poramboke land and in the said Government poramboke land a construction has also been put up which was also subsequently demolished and as against the demolition, the petitioner fought upto the Hon'ble Supreme Court and the Supreme Court has also dismissed



his petitions in S.L.P.No.34254 to 34255 of 2017 and 24711 of 2017 and while dismissing the special leave petitions, the Hon'ble Supreme Court was inclined to impose an exemplary cost upon the petitioner. But however, at the request made by the learned senior counsel, they have not imposed cost.

4. Similarly, in this petition also, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw the writ petition to workout his remedy in the other proceedings.

5. Though this Court is required to impose a cost, considering the request made by the learned counsel for the petitioner by taking into account his stance and reputation in the Bar, this Court allows this Criminal Original petition to be withdrawn. Accordingly, the Criminal Original Petition is dismissed as withdrawn.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City,
Madurai.

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

+2 CC to M/s.N.SUNDARESHAN, Advocate
(SR-49704[F] dated 26/02/2019)

+1 CC to M/s.M.S.SURESH KUMAR, Advocate
(SR-49733[F] dated 26/02/2019)

+1 CC to M/s.S.MANOHARAN, Advocate
(SR-49971[F] dated 26/02/2019)

Order made in
Cr1.O.P. (MD) No.2562 of 2016
25.02.2019

sts

ES/12.03.2019/2P/7C

<https://hcservices.ecourts.gov.in/hcservices/>