



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2019

CORAM

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD)No.12141 of 2019

and

W.M.P. (MD)Nos.9127 & 9128 of 2019

K.Karthikeyan

... Petitioner

Vs.

- 1.The Superintendent of Police,
Theni District.
- 2.The Deputy Superintendent Of Police,
Periyakulam, Theni District.
- 3.The Inspector of Police
Thenkarai Police Station,
Theni District.
4. Rathinam
- 5.K.Buvaneswari
- 6.K.Vigneswaran

... Respondents

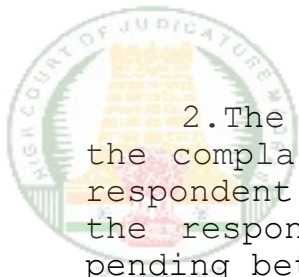
PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents 1 to 3 herein to provide police protection to the petitioner for drawing 2/3 share of water to their lands from the common well in 5 cents of land in 2nd item of A-Schedule of properties as per the will dated 15.07.1999 and consequently forbearing the respondents 1 to 3 herein from allowing the respondents 4 to 6 herein from interfering with specific 2/3 share of properties bequeathed to the petitioner under the Will, dated 15.07.1999.

For Petitioner : Mr.K.Appadurai

For R1 to R3 : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents 1 to 3 herein to provide police protection to the petitioner for drawing 2/3 share of water to their lands from the common well in 5 cents of land in second item of A-Schedule properties as per the Will dated 15.07.1999 and consequently forbearing the respondents 1 to 3 herein from allowing the respondents 4 to 6 herein from interfering with specific 2/3 share of properties bequeathed to the petitioner under the Will, dated 15.07.1999.



2.The learned Additional Public Prosecutor submitted that on the complaint lodged by the petitioner, dated 06.05.2019, the third respondent has registered a case in Crime No.222 of 2019 as against the respondents 4 to 6 herein and there are already two F.I.Rs pending between them.

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3.Considering the above facts and also the dispute between them the land roping case was referred before the Revenue Divisional Officer, Periyakulam, to initiate proceedings under Section 145 Cr.P.C. between them. In fact already the complaint referred and the petitioner and the respondents 4 to 6 did not even appear before the Revenue Divisional Officer, Periyakulam, since they also received summon issued by the Revenue Divisional Officer, Periyakulam.

4.Considering the above facts and circumstances, the prayer sought for by the petitioner cannot be granted till the disposal of the proceedings initiated under Section 145 Cr.P.C. However, the petitioner and the respondents 4 to 6 are directed to appear before the Revenue Divisional Officer, Periyakulam, on the enquiry initiated by the R.D.O. The Revenue Divisional Officer, Periyakulam, is directed to issue summons to the petitioner as well as the respondents 4 to 6 and also directed to complete the proceedings initiated under Section 145 Cr.P.C within a period of four weeks from the date of receipt of a copy of this order and pass order on merits and in accordance with law. On the order passed by the Revenue Divisional Officer, Periyakulam, the petitioner can very well approach the concerned police for appropriate relief.

5.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

1.The Superintendent of Police
Theni District.

2.The Deputy Superintendent Of Police,
Periyakulam, Theni District.

3.The Inspector of Police
Thenkarai Police Station,

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



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

**Copy to
The Revenue Divisional Officer,
Periyakulam.**

+1 CC to M/s.K.APPADURAI, Advocate (SR-93400[F] dated 21/10/2019)

W.P. (MD)No.12141 of 2019
21.10.2019

_KK/SAR/22.10.2019/3P-7C/