

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

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THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.830 of 2020

M.G.Kannan @ P.G.S.Kannan
S/o.Late M.G.Swamy
Secretary
Vallalar Illam
No.3/400, B.P. Chali Garden
Kurinji Nagar
Dokkubothanahalli Post-636 807
Nallampalli Taluk
Dharmapuri District.

... Petitioner

Vs

1. The Superintendent of Police,
Dharmapuri District
Dharmapuri-636 705
2. The Inspector of Police
B1-Dharmapuri Police Station,
Dharmapuri-636 701
3. Dharmapuri Bar Association
Rep. by its Secretary
Dharuman
Combined Court Complex
Thokkampatti
Thadangam Village
Dharmapuri-636 705
4. R.Balu
Advocate
President
Dharmapuri Bar Association
Combined Court Complex
Thokkampatti
Thadangam Village
Dharmapuri-636 705

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5. Dharuman
Advocate,
Secretary
Dharmapuri Bar Association
Combined Court Complex
Thokkampatti
Thadangam Village
Dharmapuri-636 705

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to grant police protection to the petitioner for his peaceful possession and enjoyment of the land and the building to an extent of 39 cents, forming part of Survey No.49/A, in Virupachipuram Village, Dharmapuri Taluk and District, now within the limits of Dharmapuri Municipality within a time frame as may be fixed by this Court.

For Petitioner : M/s.Elizabeth Ravi
For Respondents: Mr.S.Karthikeyan for R1 & R2
Additional Public Prosecutor
Mr.Vinothraja
For Mr.N.Manokaran - R3 to R5

ORDER

This petition has been filed seeking for police protection from the hands of the respondents 3 to 5 herein.

2, The learned counsel for the petitioner would submit that the petitioner is in peaceful possession and enjoyment of the land and the building to an extent of 39 cents, form part of Survey No.49A in Virupachipuram Village, Dharmapuri and now within the Dharmapuri Municipality. It is further submitted that while being so, the 3rd respondent has filed a frivolous suit and obtained a fraudulent decree as against the petitioner and the same was set aside by this Court in C.R.P No.3336 of 2001 by an order dated 20.11.2018. Even then, the 3rd respondent has filed a suit for injunction as against the petitioner and the same was also withdrawn by the 3rd respondent also. Even then, the respondents 3 to 5 are disturbing the petitioner from enjoying the property belongs to him. In fact, the petitioner is running the school in the said property. Therefore, the petitioner lodged a complaint seeking adequate police protection from the respondents 1 and 2 herein.

3. The learned Additional Public Prosecutor would submit that on receipt of the complaint, the petitioner was issued C.S.R No.418 of 2019 and the enquiry is pending.

4. The learned counsel for the respondents 3 to 5 appeared and seeks further time for filing their counter.

5. Heard Ms.Elizabeth Ravi, learned counsel appearing for the petitioner, Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondents 1 and 2.

6. This petition has been filed seeking for police protection from the hands of the respondents 3 to 5 herein. It seems that there is a civil dispute between the petitioner and the respondents 3 to 5. The suits filed by the respondents 3 to 5 were dismissed and in the circumstances, again the respondents 3 to 5 disturbed the possession and enjoyment of the petitioner's property. In this regard, the petitioner lodged a complaint and the petitioner was issued C.S.R No.418 of 2019 and it is pending for enquiry. Since the respondents 3 to 5 are advocates of the Bar Association, Dharmapuri, it will be appropriate to direct the Deputy Superintendent of Police, Dharmapuri to conduct an enquiry on the complaint lodged by the petitioner in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and pass appropriate orders on merits after issuing notice to the respondents 3 to 5 and after giving opportunity of hearing. The 1st respondent is directed to monitor the enquiry to be conducted by the Deputy Superintendent of Police, Dharmapuri.

7. With the above direction, this Writ Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

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To

1. The Superintendent of Police,
Dharmapuri District
Dharmapuri-636 705
2. The Deputy Superintendent of Police,
Dharmapuri.

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3. The Inspector of Police
B1-Dharmapuri Police Station,
Dharmapuri-636 701

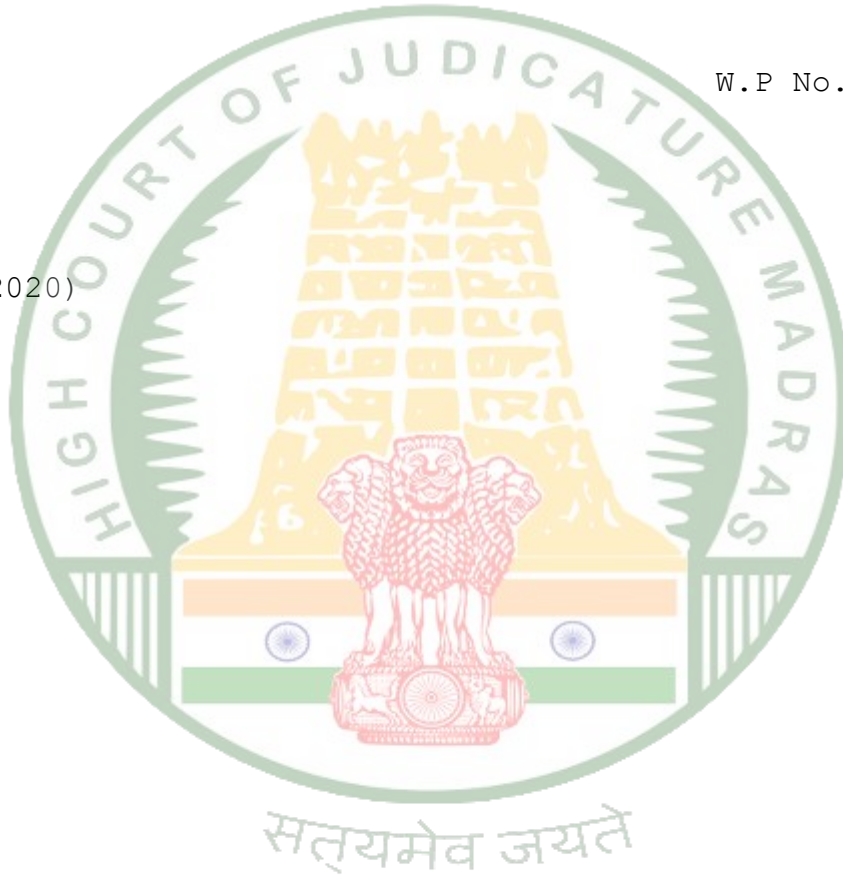
4. The Public Prosecutor
High Court of Madras.

+1cc to Mr.N.Manokaran, Advocate, Sr.No.25226

+1cc to M/s.Elizabeth Ravi, Advocate, Sr.No.25134

W.P No.830 of 2020

SSV(CO)
GS(21/08/2020)



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