

N THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Writ Petition No.26058 of 2019

P.Meena
S/o T.Panneer,
No.6, Pattamangalam,
Arayath Street,
Myladuthurai,
Thiruvarur District.

... Petitioner

Vs.

1.The District Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2.The Inspector of Police,
Myladuthurai Town Police Station,
Myladuthurai.

3.Shanmugam
S/o Krishnan,
No.12/10 Chetty Street,
Myladurai Town,
Myladudurai,
Nagapattinam District.

4.Vinayagam
S/o Shanmugam,
No.12/10, Chetty Street,
Myladurai Town,
Myladudurai,
Nagapattinam District.

(R.3 and R.4 impleaded
by order dated 18.10.2019) ...Respondents

PRAYER: This Writ Petition has been filed under Article 226 of
the Constitution of India for a Writ of Mandamus directing the
respondents to give police protection to the petitioner to enjoy
the property in Joint Sub Registry I Mayiladuthurai comprised in
T.S.No.352 (part) Plot No.1A, North by Road, East by 30 feet,
South by Plot No.1, West by land in T.S.No.353 and measuring
North to South on the Eastern side 144 feet on the western side
41 feet, East to West on the Northern side. On the southern side

80 feet and admeasuring 3400 sq.ft., in the extent vacant site with coconut trees 8 and Mango tree - 1, compound was 165 feet equal to 315.86 sq.ft., which is granted permanent injunction by District Munsif, Myladuthurai in O.S.No.294/2013 with peaceful manner, consequently direct the respondent police to take appropriate legal action on complaint dated 24.06.2019.

For Petitioner : Mr.R.Ravichandran

For Respondents : Mr.K.Prabakar
1 and 2 Additional Public Prosecutor

For 3rd Respondent : Mr.Sarath Chandran for
K.M.Vijayan Associates

For 4th Respondent : No Appearance

ORDER

Seeking a direction to the 1st and 2nd respondents to give police protection to the petitioner to enjoy the property in Joint Sub Registry I Mayiladuthurai comprised in T.S.No.352 (part) Plot No.1A, North by Road, East by 30 feet, South by Plot No.1, West by land in T.S.No.353 and measuring North to South on the Eastern side 144 feet on the western side 41 feet, East to West on the Northern side. On the southern side 80 feet and admeasuring 3400 sq.ft., in the extent vacant site with coconut trees 8 and Mango tree - 1, compound was 165 feet equal to 315.86 sq.ft., which is granted permanent injunction by District Munsif, Myladuthurai in O.S.No.294 /2013 with peaceful manner and consequently direct the respondent police to take appropriate legal action on complaint dated 24.06.2019, the petitioner is before this Court with this writ petition.

2.Heard the learned counsel for the petitioner; the learned Additional Public Prosecutor appearing for the respondents 1 and 2; the learned counsel for the third respondent and there is no representation for the fourth respondent.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that admittedly, there is a civil dispute pending between the petitioner and the respondents 3 and 4 in respect of which, the petitioner has filed a suit in O.S.No.294 of 2013 and it was decreed in favour of the petitioner. Even then, there is no details about any appeal filed by the respondents 3 and 4 herein. He further submitted that the prayer as such sought for by the petitioner for police protection to enjoy her property cannot be considered.

4.Admittedly, the petitioner herein filed the suit in O.S.No.294 of 2013 as against one Gunabooshanam and the Revenue Officials including the Sub Registrar Mayiladuthurai and there is no decree as against the respondents 3 and 4 herein. Further, it is seen that already the petitioner herein has filed a writ

petition in W.P.No.16746 of 2018 and this Court disposed of the said writ petition on 06.07.2018 by observing that the Joint Sub Registrar, Mayiladuthurai Town (Post), Nagapattinam District, has mutated the entries both in the concerned register and in the encumbrance register, as per the decree passed by the learned Additional District Munsif, Mayiladuthurai in O.S.No.294 of 2015 dated 19.01.2017, the right of the petitioner flowing out of the settlement deed dated 08.12.2008 is protected. Based on which the petitioner sought for police protection at the hands of the respondents 3 and 4 herein and therefore, the petitioner herein can very well approach the Civil Court for action against the respondents 3 and 4 for appropriate relief. Therefore the writ petition is devoid of merits and dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Superintendent of Police,
Nagapattinam District,
Nagapattinam.

2.The Inspector of Police,
Myladuthurai Town Police Station,
Myladuthurai.

W.P.No.26058 of 2019

BS (CO)
RMP (01/09/2020)

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