



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 4812 of 2020

and

W.M.P. (MD) No. 4190 of 2020

P. Rijith

... Petitioner

-vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai.

2. Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Madurai.

3. The Inspector of Police,
Alanganallur Police Station,
Madurai.

4. C. Jeyaraman

5. C. Archunan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent police to take appropriate action and restrain the fourth and fifth respondents from entering and making changes to the properties bearing survey Nos. 115/1A and 115/1B situated in Pothumbu Village, Madurai and grant police protection to the properties bearing Survey No. 115/1A and 115/1B in furtherance of the complaints made by the petitioner.

For Petitioner : Mr. Niranjan S. Kumar

For R1 to R3 : Ms. M. Ananthadevi
Government Advocate (Crl. side)

**ORDER**

The petitioner seeks police protection, though the prayer in the writ petition is worded differently. The petitioner claims that he is the absolute owner of the petition mentioned land. According to the petitioner, the respondents 4 and 5 made an attempt before the Tahsildar for entering their names as tenants. But then, the same suffered a dismissal and an appeal has been filed before the Sub Collector, Madurai.

2.It appears that the Sub Collector, Madurai, has passed a status quo order. It appears that the specific allegation of the petitioner is that with the aid of the third respondent, the respondents 4 and 5 have entered the land in question and also ploughed the same by deploying heavy machinery. The learned counsel for the petitioner come up with this specific allegation that one Nithikumar, Inspector of Police, Alanganallur police station, Madurai, has interfered in the name of enquiry and allowed the respondents 4 and 5 to enter the land in the meanwhile.

3.I make it clear that it appears that it is a pure civil dispute between the petitioner on one hand and respondents 4 and 5 on the other. The police authorities will totally keep of. Only if the cognizance of the offences is committed, the police will step in and not otherwise.

4.Eventhough the petitioner seeks police protection, I am of the view that the petitioner will have to necessarily establish his rights before the Court below. An order interim injunction cannot be declined merely because the petition at the instance of R4 and R5 are pending before the authority.

5.Giving liberty to the petitioner to move the civil Court to establish his rights and directing the third respondent to refrain from interfering in the matter, this Writ petition is disposed of. I make it clear that I have not gone into the merits of the matter. The respective rights of the petitioner as well respondents 4 and 5 are left open. Considering the nature of relief granted in this case, notice to respondents 4 and 5 is dispensed with. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Superintendent of Police,
Office of the Superintendent of Police, Madurai.

2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police, Madurai.

3. The Inspector of Police, Alanganallur Police Station, Madurai.

+1 CC to M/s. NIRANJAN.S.KUMAR, Advocate (SR-10440 [F]

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SDS (10.03.2020) 3P-5C