



WEB COPY

W.P. (MD) Nos.15776 and 15792 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) Nos.15776 and 15792 of 2020

and

W.M.P (MD) Nos.13218 and 13238 of 2020

Mahalakshmi : Petitioner in W.P. (MD) No.15776 of 2020

Manavalan : Petitioner in W.P. (MD) No.15792 of 2020

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Theni, Theni District.

2.The Inspector of Police,
Theni Police Station,
Theni, Theni District.

3.The Commissioner,
Theni-Allinagaram Municipality,
Theni, Theni District.

4.A.Karuppiah

5.A.Rajendran

6.Pandiyammal

7.K.Sudha

8.R.Shanthi

9.A.Palaniammal ...Respondents in both Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents to give necessary police protection to the petitioners for their life, liberty and the property.

(both petitions)

For Petitioner : Mr.M.A.M.Raja

For R1 to R3 : Mr.R.Srinivasan,
Government Advocate



COMMON ORDER

These Writ Petitions have been filed to direct the first and second respondents to give necessary police protection to the petitioners for their life, liberty and the property.

2. Heard the learned Counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3.

3.The learned counsel appearing for the petitioners submitted that the petitions mentioned properties were purchased by the petitioners through registered sale deed dated 13.03.2003 and 15.09.2008, respectively, and they are in possession and enjoyment of the said properties. The respondents 4 to 9 are ancient title holders of the said properties and there was a Thiittasalai Road on the western side of the petitioners' house and the same absolutely belongs to the third respondent/ Municipality. The respondents 4 to 9 had stated that the road belongs to them and hence, they restrained the petitioners from using the Road. Therefore, the petitioners had lodged a complaint before the respondent police and hence, the respondent police has been given CSR No.476 of 2020 to that effect and directed the petitioners to approach the concerned authority to survey the land. But, the respondents 4 to 9 restrained them to do so. Therefore, the petitioners have filed these present petitions for seeking police protection.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, on instructions, would submit that on the representation of the petitioners enquiry was conducted and closed. He states that both of them are claiming right over the Road. Hence, the enquiry was concluded that the complaint is civil in nature and the parties are advised to approach the appropriate forum to get their remedies.

5. In reply, the learned counsel for the petitioners submitted that he has not received any information from the respondents police.

6. Considering the submission made by the learned counsel on either side, the respondents police are directed to communicate the closure report of the complaint to the petitioners, so that the petitioners can challenge the same in the manner known to law, if it is necessary.



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7. These Writ Petitions are disposed of with the above directions. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar (CS)

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NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Theni, Theni District.
2. The Inspector of Police,
Theni Police Station,
Theni, Theni District.
3. The Commissioner,
Theni-Allinagaram Municipality,
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