



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2020

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD)No.16758 of 2020

K.Muthiah

... Petitioner

vs.

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

2.The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.

3.Nagalingam

4.Arjunan

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 herein to provide police protection to the petitioner for the criminal intimidation posed by the respondents 3 and 4 from enjoying the properties comprised in Survey No.195/1, measuring 0.37.0 Hec., Survey No.195/1B measuring 0.25.0 Hec., and Survey No.196/2B measuring 0.09.0 Hec., situated in Moovar Kanmoi Village, Kalayarkovil Taluk, Sivagangai District, as per the representation of the petitioner dated 25.07.2019 and in view of the dismissal of SA(MD)No.743 of 2015 on the file of this Court filed by the respondents 3 and 4 herein.

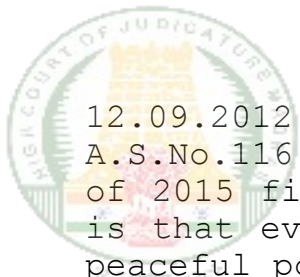
For Petitioner	: Mr.S.Srinivasa Raghavan
For Respondents	: Mr.R.Srinivasan, Government Advocate, for R1 and R2

O R D E R

This Writ Petition has been filed directing the respondents 1 and 2 herein to provide police protection to the petitioner for his peaceful enjoyment of his properties comprised in Survey No.195/1, measuring 0.37.0 Hec., Survey No.195/1B measuring 0.25.0 Hec., and Survey No.196/2B measuring 0.09.0 Hec., situated in Moovar Kanmoi Village, Kalayarkovil Taluk, Sivagangai District, by considering his representation of the petitioner dated 25.07.2019.

2.The learned counsel for the petitioner would state that the petitioner got a decree in his favour in O.S.No.31 of 2010 dated

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



12.09.2012 against which, the respondents 3 and 4 filed an appeal in A.S.No.116 of 2012 which was dismissed, against which, S.A(MD)No.743 of 2015 filed was also dismissed. The grievance of the petitioner is that even thereafter, the respondents 3 and 4 are troubling his peaceful possession in his property by intimidating him. Therefore, the petitioner made a representation dated 25.07.2019 to the respondents/police for police protection. Since no action has been taken, the petitioner has filed the present writ petition.

3.The learned Government Advocate(Crl.Side) would state that the respondents 1 and 2 will consider and dispose of the petitioner's representation dated 25.07.2019 within a time frame.

4.Heard the learned counsel for the petitioner as well as the learned Government Advocate(Crl.Side). Since no adverse order is going to be passed against the respondents 3 and 4, notice to them is not necessary.

5.Perusal of record shows that the suit in O.S.No.31 of 2010 filed by the respondents 3 and 4 against the petitioner has been decided in favour of the petitioner and the appeal filed thereagainst by the respondents 3 and 4 in A.S.No.116 of 2012 was dismissed and the further appeal before this Court in S.A(MD)No.743 of 2015 was also dismissed. When there is a civil court decree in favour of the petitioner, it is obligatory on the part of the respondents/police to necessarily give protection to the petitioner and therefore, the respondents/police are directed to consider the petitioner's representation dated 25.07.2019 by taking note of the above civil court orders within a period of four weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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,
Sivagangai District, Sivagangai.

2.The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S. SRINIVASA RAGHAVAN, Advocate (SR-23561[F] dated
02/12/2020)

ORDER MADE IN
W.P.(MD)No.16758 of 2020
DATED : 30.11.2020

VB (18.12.2020) 3P 5C