



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2020

CORAM:

THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

W.P. (MD) No.1360 of 2016

and

W.M.P. (MD) No.1139 of 2016

Bose @ Subbiah

... Petitioner

Vs

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

2. The Inspector of Police,
Kamuthi Town Police Station,
Kamuthi, Ramanathapuram District.

3. Gopal

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the second respondents not to interfere with the running of the petitioner's hotel business at Door No.57, Local Fund Road, Kamuthi Town, and direct the second respondent to register a case on the basis of petitioner's complaint dated 19.01.2016.

For Petitioner : No Appearance

For R1 & R2 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal side)

For R3 : No Appearance

ORDER

This writ petition has been filed to direct the second respondents not to interfere with the running of the petitioner's hotel business at Door No.57, Local Fund Road, Kamuthi Town and direct the second respondent to register a case on the basis of petitioner's complaint dated 19.01.2016.



2. No representation for the writ petitioner. After giving representation to the first respondent on 19.01.2016 requesting the Inspector of Police, Kamuthi to give protection for running his tiffin shop, present writ petition has been filed seeking a direction to the police to give protection.

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3. A reading of the affidavit indicates that there is a property dispute between the petitioner and his son regarding shop constructed in the land owned by Sri Subramaniya Swami Temple Devasthanam.

4. It is clearly a civil dispute and police has nothing to do with this matter and if there is any law and order problem, this Court has no doubt that respondent police will take appropriate action.

5. In such circumstances, the prayer made in this petition is un-sustainable. More so, the absence of the counsel indicates that after four years of the occurrence, the prayer of the petitioner might have even become infructuous. Hence, this Court is of the opinion that this writ petition has to be dismissed. Accordingly, this writ petition is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar(AD II)

/True Copy/

Sub Assistant Registrar()

To

1. THE SUPERINTENDENT OF POLICE,
RAMANATHAPURAM DISTRICT,
RAMANATHAPURAM.
2. THE INSPECTOR OF POLICE,
KAMUTHI TOWN POLICE STATION,
KAMUTHI, RAMANATHAPURAM DISTRICT.

Order made in
W.P. (MD) No.1360 of 2016 and
W.M.P. (MD) No.1139 of 2016
04.03.2020