



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/12/2020

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PRESENT

The Hon'ble Mr.Justice **G.K.ILANTHIRAIYAN**

W.P. (MD)No.18915 of 2017

and

W.M.P. (MD) .No.15251 of 2017

Ramisha Beevi

: Petitioner

Vs.

1. The Superintendent of Police,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Paramakudi, Ramanathapuram District.
3. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

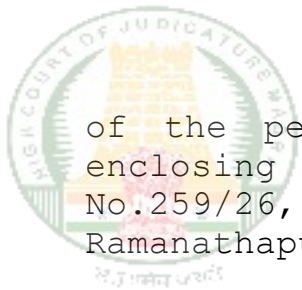
4. Anish Ahamed : Respondents
(R4 impleaded vide order dated 08.11.2019,
made in WMP (MD).No.16010 of 2017 in
WP(MD).No.18915 of 2017)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to give police protection to the life and limb of the petitioner and to enable her to put up compound wall enclosing and encircling the eastern open lane space in Door No.259/26, Pallabachery West Street, Abiramam, Kamuthi Taluk, Ramanathapuram District.

For Petitioner : Mr.J.Barathan
for M/S.T.R.Jeyapalam
For Respondents : Mr.K.Suyambulinga Bharathi
1 to 3 Government Advocate (Crl. Side)
For 4th Respondent : Mr.P.Muthu Samy

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition has been filed seeking direction to the respondents 1 to 3 to give police protection to the life and limb



of the petitioner and to enable her to put up compound wall enclosing and encircling the eastern open lane space in Door No.259/26, Pallabachery West Street, Abiramam, Kamuthi Taluk, Ramanathapuram District.

2.The learned Government Advocate (Crl. Side) appearing for the respondents police 1 to 3 submitted that on the complaint lodged by the petitioner seeking police protection, the third respondent police has conducted detailed enquiry on 02.07.2017 and the same was closed for the reason that the second appeal in respect of the subject property was pending before this Court and after disposal of the second appeal, they agreed to proceed further in the subject property.

3.The learned counsel appearing for the petitioner submitted that the writ petition has been filed only after disposal of the second appeal in S.A.(MD).No.158 of 2017 by order dated 27.07.2017, which was filed by the counter party viz., fourth respondent herein. Therefore, the third respondent duty bound to consider the request of the petitioner as per the civil Court decree granted in favour of the petitioner.

4.It is seen that on the complaint lodged by the petitioner, the third respondent Police has conducted detailed enquiry and the same was closed on 02.07.2017. Now, the second appeal filed by the counter party was also dismissed on 27.07.2017, thereby confirming the judgment and decree passed in favour of the petitioner herein in S.A.No.158 of 2017.

5.Considering the above facts and circumstances of the case, the petitioner is directed to lodge a fresh complaint, on fresh cause of action before the third respondent herein. On receipt of the same, the third respondent is directed to conduct enquiry on the fourth respondent about the civil Court decree in favour of the petitioner after issuing notice to the fourth respondent herein and pass orders on merits in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6.With the above directions, this writ petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //



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,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
3. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD)No.18915 of 2017
and
W.M.P. (MD) .No.15251 of 2017
02.12.2020

vsg

AE/ (01/02/2021) 3P / 5C