

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3430 of 2021

1.N.Deivathal, W/o.Nachimuthu
2.E.Saraswathi, W/o.Eswaran
3.K.Arunachalam, S/o.Karruppasamy ... Petitioners

Vs.

1. The Director General of Police (DGP),
Office of the Director General of Police,
Dr. Radhakrishnan Road, Chennai-4.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Trippur District.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Palladam.
4. The Inspector of Police,
P1, Palladam Police Station,
Palladam.
5. Palanisamy, S/o.Rangasamy
6. Saraswathi, W/o.Ramasamy
7. Lakshmi, W/o.Easwaramoorthy
8. Sumathi, W/o.Velusamy
9. Harisankar, S/o.Velusamy
- 10.Ravisankar, S/o.Velusamy
- 11.Baby, W/o.Subramaniam
- 12.Swathi, D/o.Subramaniam
- 13.Bharathi, D/o.Subramaniam ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing 4th respondent to provide police protection based on the petitioners representation dated 21.12.2020 to construct the petitioners

land compound wall in the light of the trial Court decreed suit in O.S.No.347 of 2018 order dated 27.11.2020 in favour of the petitioners.

For Petitioners:Mr.B.Chandran

For Respondents:Mr.M.Mohamed Riyaz
for R1 to R4

O R D E R

This writ petition has been filed for issuance of writ of Mandamus directing the respondent police to provide police protection to the petitioners to enable them to construct a compound wall around the subject property.

2. The case of the petitioners is that the private respondents had already filed a suit for partition in O.S.No.347 of 2018 against the petitioners and the said suit was dismissed by the Sub Court, Palladam through judgment and decree dated 27.11.2020. The further case of the petitioners is that they attempted to put up a compound wall around their property. This was resisted by the private respondents and the petitioners were also threatened. Hence, a complaint was given to the respondent police seeking for police protection on 21.12.2020. Since the same was not considered, the present writ petition has been filed before this Court.

3. Heard Mr.B.Chandran, the learned counsel for the petitioners and Mr.M.Mohamed Riyaz, the learned Additional Public Prosecutor for R1 to R4.

4. In the considered view of this Court, if the private respondents are preventing the petitioners from putting up a compound wall around the property, the petitioners will have to necessarily file a suit for injunction against the private respondents and agitate their rights before the competent civil Court. The police will have no role to play at this stage and therefore, no direction can be issued to the police to provide for police protection. Except giving this liberty to the petitioners, no further orders can be passed in this writ petition.

This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

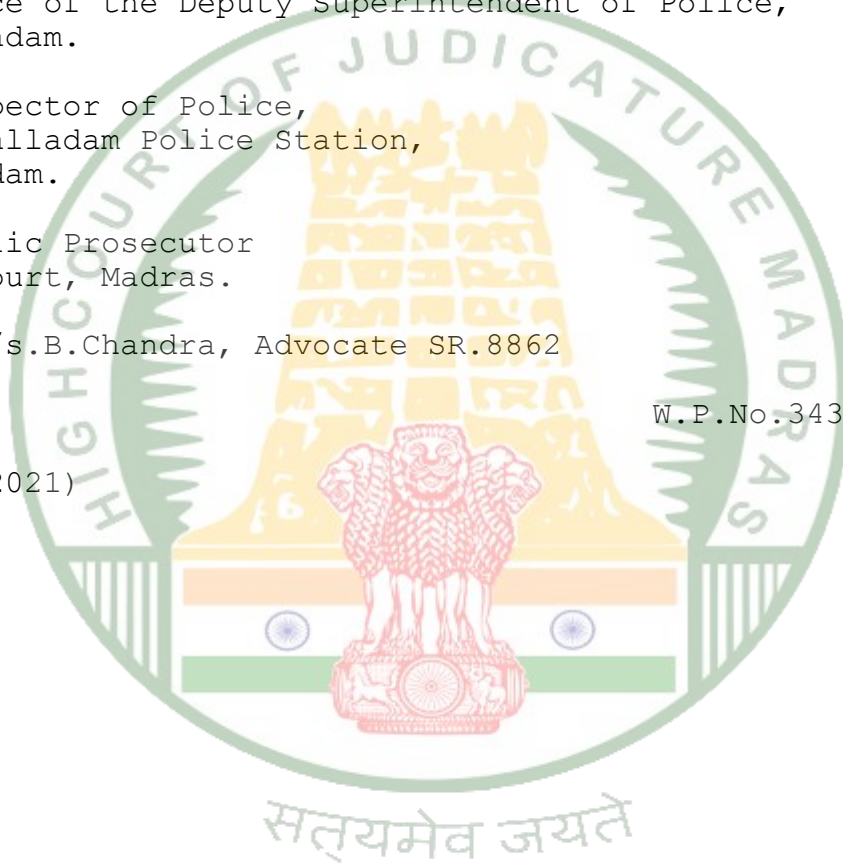
To

- 1.The Director General of Police (DGP),
Office of the Director General of Police,
Dr. Radhakrishnan Road, Chennai-4.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Trippur District.
- 3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Palladam.
- 4.The Inspector of Police,
P1, Palladam Police Station,
Palladam.
- 5.The Public Prosecutor
High Court, Madras.

+1cc to M/s.B.Chandra, Advocate SR.8862

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SSV(CO)
CB(10/03/2021)



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