

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2479 of 2021

Sri Divyam Educational and
Charitable Trust
Represented by
President and Administrative Trustee
E.Sivakuru
S/o.Ethiraj
No.1/143, Vengatanoor Village,
Cholaikotaai Post,
Dharmapuri Taluk & District

..: Petitioner

Vs.

1. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.
2. The Deputy Superintendent of Police,
Dharmapuri, Dharmapuri District.
3. The Inspector of Police,
Mathikonpalayam Police Station,
Mathikonpalayam,
Dharmapuri Town and District.
4. M.Malini
5. Mr.K.Murugan
6. Mr.C.Sugumar
7. Mrs.P.Thamizharasi
8. Mr.V.G.Balu
9. Mr.M.Kathar
10. Mrs.Vijya

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11. B.Umadevi

12. Manivannan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the respondents 1 to 3 to grant police protection to the petitioner trust and grant such other relief deem fit and proper.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.M.Mohammed Riyaz
Additional Public Prosecutor
for R1 to R3

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondent police to grant police protection to the petitioner trust, pursuant to the representation made on 29.12.2020.

2. It is seen from records that there is already a civil suit pending in O.S.No.48 of 1992, which was instituted under Section 92 of CPC. Pending the suit, an application was filed seeking for interim injunction and the Court below passed an order of interim injunction on 20.11.2020.

3. Aggrieved by the said order, the petitioner trust along with two others filed CMA No.1856 of 2020 before this Court. This Court by an order dated 18.12.2020, suspended the order of interim injunction granted by the Court below and restrained the private respondents herein from interfering with the affairs of the petitioner trust. While granting the order of interim injunction, this Court had satisfied itself by going through the entire records and only thereafter, an interim injunction was granted by this Court.

4. The grievance of the petitioner is that inspite of interim injunction granted by this Court, the private respondents continue to interfere with the running of the trust. Hence, a contempt petition has already been filed before this Court and it is yet to be listed for admission. In the meantime, since threat was exerted by the respondents and they were not allowing the functioning of the trust it resulted in functioning of the educational institution coming to a stand still. A representation was given to the respondent police to provide for police protection. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

6. This Court has already suspended an order of interim injunction granted by the Court below and has also further restrained the private respondents from interfering with the affairs of the petitioner trust. This order is in force till today. In view of the same, the private respondents cannot be allowed to take law into their own hands and thereby, violate the order passed by this Court. If they are aggrieved, they have to move an appropriate application in the pending appeal and seek for vacating of the order. Without resorting to the legal process, the private respondents cannot be allowed to exert threat on the trust and prevent the trust from carrying out its day to day activities.

7. In view of the above, there shall be a direction to the 3rd respondent to immediately call the parties for an enquiry. The 3rd respondent shall instruct respondents 4 to 12 not to interfere with the running of the trust until final orders are passed in the appeal. If the private respondents create any law and order problem, action shall be initiated immediately and necessary police protection shall also be granted to ensure the smooth running of the trust. If any charges are payable for providing police protection, the petitioner shall pay the charges to the 3rd respondent. The petitioner is directed to make a fresh representation to the 3rd respondent along with a copy of this order.

8. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.
2. The Deputy Superintendent of Police,
Dharmapuri, Dharmapuri District.

3. The Inspector of Police,
Mathikonpalayam Police Station,
Mathikonpalayam,
Dharmapuri Town and District.

4.The Additional Public Prosecutor,
High Court, Madras.

GMR(CO)
SM/08/03/2021

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