

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.8957 OF 2021

N.Murugasamy,
S/o.Nanjappa Gounder

.. Petitioner

vs.

1. The Superintendent of Police (Rural),
State Bank Road,
Coimbatore District-641 018.
2. The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District.
3. Umadevi,
W/o.Karuppusamy
4. Subbulakshmi,
W/o.Rackiappan

.. Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the respondents 1 and 2 to give police protection to the petitioner for laying wire fencing in his agricultural property situated at Paduvampalli Village, Suler Taluk in S.No.348/1 and S.No.349/1A from the 3rd and 4th respondents and consider the petitioner's representation dated 08.02.2021.

For Petitioner : Mr.E.K.Kumaresan
For Respondents : Mr.M.Mohamed Riyaz,
Addl.Public Prosecutor

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ORDER

This writ petition has been filed for a direction to the respondents 1 and 2 to give police protection to the petitioner for laying wire fencing in his agricultural property situated at Paduvampalli Village, Suler Taluk in S.No.348/1 and S.No.349/1A from the 3rd and 4th respondents and consider the petitioner's representation dated 08.02.2021.

2. Heard E.K.Kumaresan, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents 1 and 2.

3. It is seen from the records that the petitioner has already initiated a civil suit against the private respondents in O.S.No.119 of 2020 before the District Munsif Court, Sulur and the same is pending. The petitioner has sought for the relief of Ad-interim injunction against the private respondents in I.A.No.1 of 2020 and the injunction was granted in favour of the petitioner and the same was extended periodically. Earlier, the petitioner lodged a complaint before the second respondent police against the private respondents and the FIR was registered in Crime No.487 of 2019 for the offence under Sections 434 and 506(ii) of IPC and the investigation is pending. In the mean time, the petitioner made a representation to the respondent police on 08.02.2021. Since the same was not acted upon, the present writ petition has been filed before this court seeking for appropriate directions.

4. The petitioner has already resorted to civil proceedings against the private respondents and therefore, the petitioner will have necessarily to workout his remedy before the civil Court. Till the appropriate orders passed by the court below, the police cannot interfere with the civil dispute against the private respondents. Liberty is granted to the petitioner to workout his remedy before the civil Court and seek redressal for the grievances.

5.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police (Rural),
State Bank Road,
Coimbatore District-641 018.
2. The Inspector of Police,
Karumathampatti Police Station,
Coimbatore District.

3. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.E.K.Kumaresan, Advocate, S.R.No.22763

W.P.No.8957 of 2021

SVI (CO)
CS/23/06/2021



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