

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P. No. 9574 of 2021

D.Raja

... Petitioner

Versus

1.The Superintendent of Police,
Office of Superintendent of Police,
Sathuvachari,
Vellore District.

2.The Inspector of Police,
Virinjipuram Police Station,
Vellore District.

3.Baby @ Baby Ammal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the second respondent to consider the representation of the petitioner, dated 08.03.2021 and consequently to give police protection for peaceful living and access to common pathway of the petitioner property.

For Petitioner : Mr.Arun Dhanapalan

For Respondents : Mr.M.Mohamed Riyaz
1 & 2 Additional Public Prosecutor

ORDER

The petitioner had already filed a civil suit in O.S.No.46 of 2020 before the Principal District Munsif Court, Vellore, in which, he had obtained an interim injunction by filing an I.A. No. 2 of 2020, against the third respondent herein and others.

2.The contention of the petitioner is that despite the interim injunction granted in his favour, the third respondent is causing obstruction to the usage of common pathway, therefore, he lodged a complaint to the respondent/police on 08.03.2021, but till date no action has been taken. Further, he

placed reliance of the judgment of this Court in the case of Radhika and another Vs. The Commissioner of Police, Coimbatore City, Coimbatore and 12 anothers reported in 2014 (2) CTC 695.

3.The learned Additional Public Prosecutor (Crl.side) appearing for the respondents/police submitted that the decision referred by the petitioner is not applicable to the facts of this case and it will not be helpful to this case. In that case before this Court, it was noticed that the petitioner's right over the property got crystallised by the Judgment passed in Second Appeal by order dated 30.09.1981. Thereafter, Special Leave Petition was filed before the Hon'ble Supreme Court and it was also dismissed. Subsequent to the said dismissal of the Special Leave Petition, during the demarcation proceedings, the petitioner therein has filed Crl.OP No. 8924 of 2013 before this Court for police protection, in which, it was held that pending Civil Proceedings, this Court cannot exercise the power under Section 482 of Cr.P.C. especially when the right of the petitioner to his property stand crystallised. Therefore, he strongly objected to the relief sought in the present Petition by stating that, if at all the petitioner is aggrieved, he can approach the Civil Court and seek police protection under Section 151 of C.P.C.

4.In view of the same, as the Petitioner has already obtained an order of injunction from the Civil Court, it is open to him to work out his remedy in the Civil Suit he has already filed.

5.With the above observation, the Writ Petition is disposed of.

Sd/-

Assistant Registrar(CS VI)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

klt
To

WEB COPY

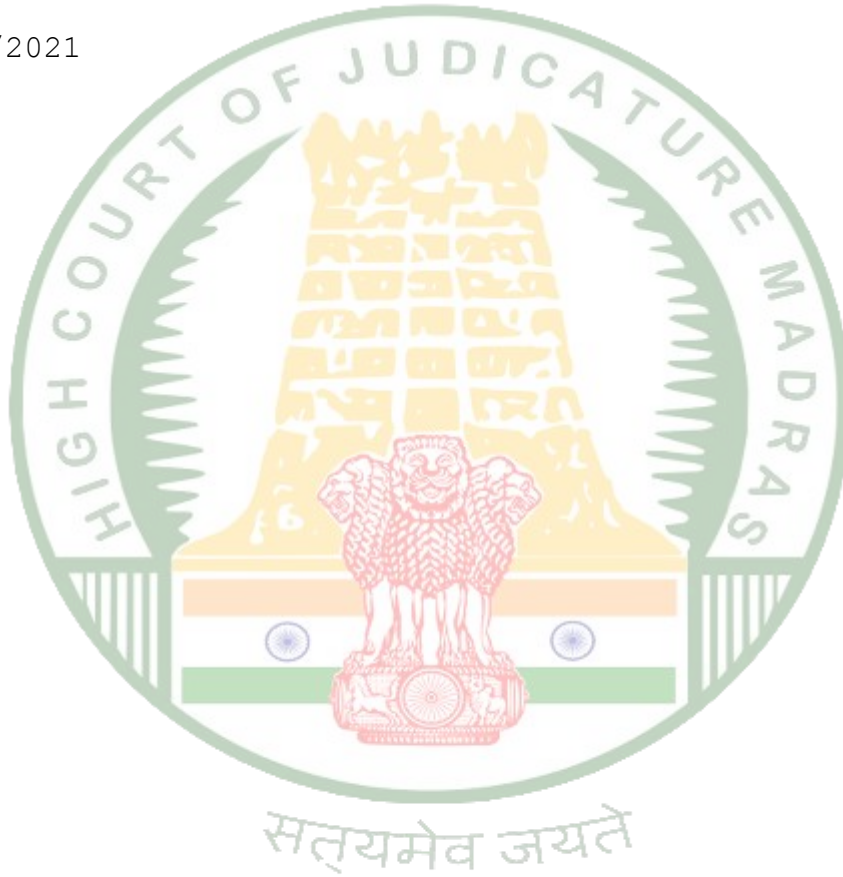
1.The Superintendent of Police,
Office of Superintendent of Police,
Sathuvachari,
Vellore District.

2.The Inspector of Police,
Virinjipuram Police Station,
Vellore District.

3.The Public Prosecutor,
High Court, Madras.

W.P.No.9574 of 2021

um[co]
srg 09/07/2021



WEB COPY