



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM

The Hon'ble Mr. Justice PARESH UPADHYAY
and
The Hon'ble Mr. Justice SATHI KUMAR SUKUMARA KURUP

W.A.No.2654 of 2021

P.G.Sathish

.. Appellant

Vs

1. P.Boobalu

2. The Superintendent of Police,
Office of the Superintendent of Police,
Erode Post & District.

3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Sathyamangalam Post & Taluk,
Erode Post & District.

4. The Inspector of Police,
Punjai Puliampatti Police Station,
Punjai Puliampatti Post,
Sathyamangalam Taluk,
Erode District.

.. Respondents

Appeal preferred under Clause 15 of Letters Patent against the order dated 02.09.2021 made in W.P.No.11185 of 2021.

Prayer in W.P.No.11185 of 2021:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to provide Police protection to the petitioner and property bearing Survey No.268/5, 268/6 and 268/7 to an extent of 3.13 acres along with K.G.Thitumana Mandabam, Punjai Puliampatti - Village, Erode - District based on the complaint lodged before the 3rd respondent dated 13.12.2020 and 18.12.2020.

For Appellant : Mr.V.P.Sengottuvel

For Respondents : Mr.T.N.C.Kaushik,
Additional Government Pleader
for R2 to R4



JUDGMENT

(Delivered by PARESH UPADHYAY, J.)

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Challenge in this appeal is made to the order dated 02 September, 2021 passed by learned Single Judge recorded on W.P.No.11185 of 2021.

2. Learned advocate for the appellant has in all fairness, at the outset stated that, the impugned order passed by learned Single Judge was, though under Article 226 of the Constitution of India, was in criminal jurisdiction. Learned advocate for the appellant has also drawn the attention of this Court to the decision of the Division Bench of this Court recorded on W.A.Sr.No.44351 of 2020 dated 03 August, 2020 (D.Kumar v Raichand Daga and others reported in (2020) 6 MLJ 245). As per the said decision, this appeal would not be maintainable.

3. This appeal is accordingly disposed of as not maintainable. It is clarified that we have not gone into the merits of the matter. Needless to observe that the petitioner has all the right to resort to the remedies available to him, except intra-court appeal, which, as conceded by him is not maintainable.

4. In view of the above, this writ appeal is disposed of. No costs. Consequently, connected C.M.P.No. 17264 of 2021 is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ssm

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Erode Post & District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Sathyamangalam Post & Taluk,
Erode Post & District.



3. The Inspector of Police,
Punjai Puliampatti Police Station,
Punjai Puliampatti Post,
Sathyamangalam Taluk,
Erode District.

+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.65402 (04/01/2022)

+1cc to the Government Pleader, S.R.No.64835 (04/01/2022)

W.A.No.2654 of 2021

KG(CO)
SU(17/12/2021)