



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 24.06.2021

Delivered on : 19.07.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.ILANGO VAN

W.P. (MD)No.3136 of 2021

WEB COPY

1.Shobana Sundaravalli

2.K.S.Kishore

...Petitioners

/Vs./

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Deputy Superintendent of Police,
Vallioor, Tirunelveli District.

3.The Inspector of Police,
Vallioor Police Station,
Vallioor, Tirunelveli District.

4.Senthilvel Murugan

5.Pathmanathan

6.Senthil

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue Writ of Mandamus, to direct the respondents 1 and 3 to give adequate and effective police protection to safeguard the life and limb of the petitioners from respondents 4 to 6.

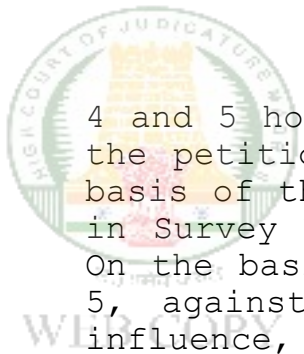
For Petitioners : Mr.R.John Sathyan

For R1 to R3 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Writ Petition is filed seeking police protection on the basis of the representation made by the petitioners.

2.The case of the petitioners is that she is living with her son separately from her husband in Vallioor. Her father owned a house in Survey No.2185/ 38 in Natham property in the village called 'Vallioor'. The house become damaged and so, she has commenced to construct a new house, for that purpose, she prepared to dug earth and put pillars work on the western side of the property and land in Survey No.2185/36 is situated, which is a Government Poromboke land, which is also used as a "Mudukku". Near that area, the respondents



4 and 5 houses are situated. The respondents 4 and 5, stated that the petitioner encroached the land and started quarrel, so, on the basis of the allegation now, they are trespassing upon the property in Survey No.2885/38 and making trouble in constructing the house. On the basis of the false complaint given by the respondents 4 and 5, against the petitioner and others, the sixth respondent, by influence, F.I.R. in Crime No.18 of 2021, came to be registered. There is no civil dispute between the parties, so, on that ground she seeks police protection.

3.Heard both sides.

4.From the arguments advanced by the both sides and as well as from the materials available on record, it seen that there is a pathway dispute between the petitioner on one side and the private respondents on the other side and the respondents, in which, the cases in Crime Nos.18 of 2021 and 12 of 2021 and 13 of 2021 were registered. In such circumstances, this petition came to be filed seeking police protection mainly on the ground that the First Information Report has been registered against the petitioner on false grounds. As a counter case in Crime No.13 of 2021 is registered against the respondents 4 and 5, on the basis of the complaint given by this petitioner. So, it appears that because of the path way dispute both the parties are continuously engaging in a quarrel, in respect of which, case and counter case filed and registered. In these circumstances, the contention on the part of the petitioner that there is no civil dispute between them cannot be accepted. When criminal cases are pending against both the parties, grant a police protection does not arise and the parties have to work out their remedy appropriately through the Civil process. More over, for the purpose of giving police protection the petitioner must make out a prima facie case that there is a life threat. Only threat prospective is the criteria for granting police protection. Here, as I mentioned earlier, because of the civil dispute between the parties, they are continuously engaging in giving complaints and counter complaints.

5.In such circumstances, the question of life threat does not arise. So, I find no merit in the petition and this Writ Petition deserves to be dismissed and accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

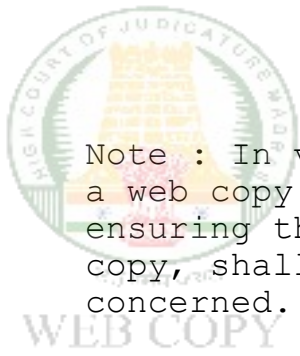
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/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Vallioor,
Tirunelveli District.
- 3.The Inspector of Police,
Vallioor Police Station,
Vallioor,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

order made in
W.P. (MD)No.3136 of 2021
19.07.2021

SE (CO)
TR(27.07.2021) 3P 5C