



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.09.2021**

CORAM

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

W.P(MD)No.12321 of 2021

W.M.P.(MD).No.9672 of 2021

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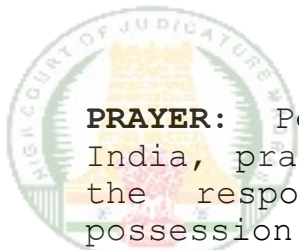
P.Raja Pandi

... Petitioner

Vs.

- 1.The District Collector,
Madurai District, Madurai-625 020.
- 2.The Revenue Divisional Officer,
Madurai Town, Madurai-625 020.
- 3.The District Registrar,
Department of Registration,
Madurai South Registration District,
Madurai-625 001.
- 4.The Joint Registrar No.1,
Department of Registration,
Madurai South Registration District,
Madurai-625 001.
- 5.The Commissioner of Police,
Madurai City, Madurai-625 002.
- 6.Inspector of Police,
B-5, South Gate (Law and Order) Police Station,
Madurai City, Madurai-625 001.
- 7.The Assistant Engineer,
Meenakshi Amman Kovil Branch,
Tamil Nadu Electricity Board,
Nethaji Road, Madurai-625 001.
- 8.Selvi,
Inspector of Police,
B-5, South Gate (Law and Order) Police Station,
Madurai City, Madurai-625 001.
- 9.S.Veluchamy
- 10.R.Tharani
- 11.Prasad
- 12.S.Kaleeswaran

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, restraining the respondents from any way interfering with the peaceful possession and running of the petitioner's shop in Door No.153 and 153 A, Nethaji Road, Madurai-625 001 and directing the 5th and 6th respondents to provide adequate police protection to the petitioner's life and limb and by considering the petitioner's representation dated 25.03.2019, 05.07.2019, 24.06.2021 and 30.06.2021.

For Petitioner : Mr.A.Jeyaram

For R1 to R8 : Mr.R.M.Anbunithi
Additional Public Prosecutor
(Criminal Side)

O R D E R

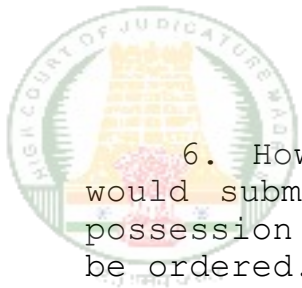
This petition has been filed to restrain the respondents from any way interfering with the peaceful possession and running of the petitioner's shop in Door No.153 and 153 A, Nethaji Road, Madurai-625 001 and directing the 5th and 6th respondents to provide adequate police protection to the petitioner's life and limb and by considering the petitioner's representation dated 25.03.2019, 05.07.2019, 24.06.2021 and 30.06.2021.

2. The case of the petitioner is that he is in enjoyment and possession of the subject property, but the private respondents are making trouble to the petitioner. Further, the respondent No.12 filed a suit for injunction in O.S.No.460 of 2019 with collusion of the respondent Nos.9 and 10 against the petitioner. On the basis of the above said suit, the respondent No.12 along with his henchmen trespassed into the property and forcibly thrown away the petitioner. Based upon which, a complaint has been given by the petitioner and also, a counter case has been registered against the petitioner and his wives in Crime No.268 of 2021, a civil dispute has been converted into criminal dispute.

3. The learned counsel appearing for the petitioner would submit that since it is a civil dispute between the parties, initiation of proceedings under Section 145 Cr.P.C is not legal. So, on that ground, he seeks police protection.

4. The learned Additional Public Protection would submit that it is a civil dispute between the two wives. Based upon which, a case and counter case has been registered and 145 proceedings have also been initiated which is now pending.

5. Since it is a civil dispute, granting of police protection to one of the parties is not proper.



6. However, the learned counsel appearing for the petitioner would submit that right from the beginning, the petitioner is in possession and enjoyment of the property, therefore, *status quo* may be ordered.

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7. But the above said ground cannot be taken into account at this stage. Since 145 proceedings has been pending, granting of *status quo* is not proper in this petition. Further, this Court does not find any merit in this petition.

8. However, the learned counsel appearing for the petitioner would submit that a time limit may be stipulated by this Court to complete the enquiry.

9. Hence, there shall be a direction to the second respondent to complete the proceedings within a period of three months from the date of receipt of a copy of this order.

10. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

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 District Collector,
Madurai District, Madurai-625 020.
- 2.The Revenue Divisional Officer,
Madurai Town, Madurai-625 020.
- 3.The District Registrar,
Department of Registration,
Madurai South Registration District,
Madurai-625 001.

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



4.The Joint Registrar No.1,
Department of Registration,
Madurai South Registration District,
Madurai-625 001.

5.The Commissioner of Police,
Madurai City,Madurai-625 002.

6.Inspector of Police,
B-5, South Gate (Law and Order) Police Station,
Madurai City, Madurai-625 001.

7.The Assistant Engineer,
Meenakshi Amman Kovil Branch,
Tamil Nadu Electricity Board,
Nethaji Road, Madurai-625 001.

8.Selvi,
Inspector of Police,
B-5, South Gate (Law and Order) Police Station,
Madurai City, Madurai-625 001.

9.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) No.12321 of 2021
09.09.2021

RK (22.09.2021) 4P 10C