



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

W.P.(MD)No.15090 of 2019

WEB COPY

Sankar @ Vellaiyan

... Petitioner

Vs.

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

2.The Inspector of Police,
Kodaikanal Town Police Station,
Kodaikanal.

3.Vasanth

4.Velvizhi

5.Naga Karthikeyan

6.Swaminathan

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation, dated 23.06.2019, seeking for police protection to repair the fence for petitioner's agricultural properties in Sy.Nos.803/2 and 803/3 in Vilapatti Village, Kodaikanal Taluk, Dindigul District, within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

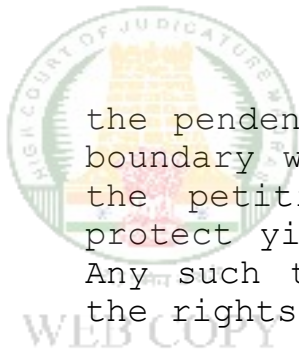
For Respondents : Mr.B.Thanga Aravindh
Government Advocate.

O R D E R

Mandamus seeking police protection to fence the petitioner's property on the strength of civil Court decree taken up for consideration today.

2. The learned counsel for the writ petitioner would submit that the petitioner herein, who succeeded in the civil suit and lost in the first appeal, has preferred the Second Appeal in S.A (MD)No.476 of 2009. Taking note of the fact that the Kodaikanal Hill is the tourist spot and if his land is not properly fenced, his fierce garden will be damaged by the trespassers and therefore, to repair the fence, police protection is required.

<https://hcservices.courts.gov.in/services> 3. By the perusal of the record indicates that as of now, in view of



the pendency of second appeal in S.A(MD)No.476 of 2009, the exact boundary where the fence can be laid is uncertain and therefore, the petitioner herein has to make appropriate arrangement to protect yields of the tree laying in his portion of the property. Any such temporary arrangement is made by him, without affecting the rights of the other rival claimants, the same can be provided.

4.In this context, the learned Government Advocate would submit that pursuant to the representation and filing of writ petition, the parties were summoned to appear for the enquiry. Both the parties failed to appear. Therefore, the Inspector of Police has rightly closed the complaint stating that since it is a civil dispute, they cannot interfere in the matter. If there is any act of illegal committed by the parties concerned and the same is brought to the notice of the respondent Police, they will take appropriate action.

5. Recording the same, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

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,
Dindigul District, Dindigul.

2.The Inspector of Police,
Kodaikanal Town Police Station, Kodaikanal.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High court, Madurai.

+1 CC to M/s.PM.VISHNUVARTHANAN, Advocate (SR-38728[F] dated 15/12/2021)

W.P. (MD)No.15090 of 2019

14.12.2021