



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.17889 of 2019

(Through video Conference)

WEB COPY

Siva Sakthiammal

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

3.The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

4.T.Sivanraj

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 3 to give police protection for life, limb of the petitioner and his property in Survey Nos.253/1B2, 254/1C, 253/2, 257/1A and 782/4, situated at Rajamannarkudi Village, Sathankulam Taluk, Thoothukudi District based on the petitioner's representation dated 22.07.2019.

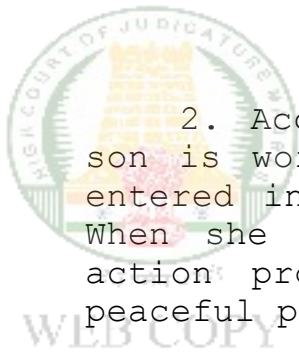
For Petitioner : Mr.P.Saravanan

For R1 to R3 : Mr.B.Thanga Aravindh

Government Advocate

O R D E R

This petition is filed seeking mandamus directing the respondents 1 to 3 to give police protection to the petitioner and her property on the premise that the petitioner is a widow and senior citizen is the owner of the land in Survey No.253/1B2 to an extent of 1 acre, in 254/1C to an extent of 1 acre 20 cents, in 253/2 to an extent of 35 cents, in 257/1A to an extent of 6 cents and in 782/4 to an extent of 65 cents, situated at Rajamannarkudi Village, Sathankulam Taluk, Thoothukudi District.



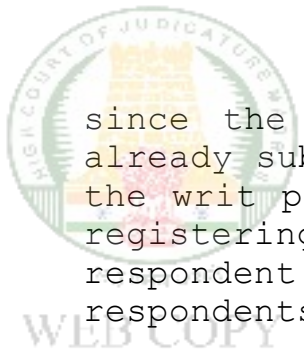
2. According to the petitioner, she is living alone and her son is working abroad. While so, the fourth respondent Sivanraj entered into her property and disturbing her peaceful enjoyment. When she gave a complaint to the police, they have not taken action prohibiting the fourth respondent from interfering her peaceful possession.

3. From the counter filed by the fourth respondent private party, it appears that there is a dispute between the petitioner and the fourth respondent regarding the enjoyment of the property mentioned in the petition and the petitioner has filed WP.(MD) No.5119 of 2019 before this Court seeking removal of the idol of 'Nagaperumal Swamy' at Survey No.254/2B, which is adjacent lands mentioned in the petition and claimed by the petitioner as her property. It is contended by the fourth respondent that in the earlier W.P.(MD)No.5119 of 2019, the petitioner has not impleaded him as a party respondent. Instead suppressing the fact, the present writ petition is filed seeking protection to her life and property.

4. In the affidavit the fourth respondent has stated that he has filed a suit in O.S.No.42 of 2018 before the District Court, Sathankulam Taluk, Thoothukudi District as the Dharmakarthha of the said temple for the relief of seeking pathway right through the land of the writ petitioner and the same is pending. In order to evade the civil proceedings, the writ petitioner has filed this writ petition with the present facts. Hence, sought for dismissal of this writ petition.

5. The learned Additional Public Prosecutor appearing for the State would submit that the third respondent has not received any complaint or representation, dated 22.07.2019 as stated by the writ petitioner in her affidavit. More over, there is a civil dispute regarding the pathway leading to the temple initiated by the fourth respondent against the writ petitioner herein. Earlier, when the temple festival was conducted on 13.04.2019 providing police protection to the fourth respondent pursuant to the direction of this Court passed in W.P(MD).No.7720 of 2019, dated 05.04.2019, after the completion of the festival, the writ petitioner herein lodged a complaint on 14.04.2019 against the fourth respondent and 21 others alleging that they damaged her property and fencing, for which case in Crime No.62 of 2019 for the offence under Sections 147, 447, 427, 294(b), 506(i) IPC and Section 4 of Tamil Nadu Prevention of Women Harassment Act, 2002, has been registered. The investigation of the said complaint is yet to be completed. Subsequent to this complaint, there is no adverse incident.

6. In view of the above facts, this Court is of the view that



since the dispute between the parties regarding the pathway is already subject matter before the Civil Court and the complaint of the writ petitioner herein been duly acted upon by the police by registering a case in Crime No.62 of 2019 against the fourth respondent herein, there is no need to issue any mandamus to the respondents 1 to 3 as prayed in this writ petition.

7. Accordingly, this writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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,
Thoothukudi District,
Thoothukudi.

2.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

3.The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

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

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SRK (CO)
SB(29.12.2021) 3P 5C

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