



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.A. (MD) .No.1717 of 2018

and

CMP (MD) .No.12505 of 2018

Arulmighu Vellai Vinayagar Kovil,
Represented by its fit person,
Janaki Anbalagan,
Thuvarankurichi,
Manapparai Taluk,
Trichy District.

...Appellant/3rd Party

Vs.

1. Mohammed Ismail

...Respondent/Writ Petitioner

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

3. The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.

...Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent Act, to allow this Writ Appeal by setting aside the order passed in W.P. (MD).No.17282 of 2014 dated 28.10.2014 on the file of this Court.

Prayer in WP (MD) . 17282/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1st respondent to provide police protection to the petitioner and his property on the basis of the representation made by the petitioner dated 10.09.2014 in accordance with law.

For Appellant
For Respondents

: Mr.B.Prasanna Vinoth
: Mr.K.R.Badurus Zaman,
for Mr.V.Kannan,
for R1.
Mr.A.K.Manickam,
Standing Counsel for Govt,
For 2 & 3.



J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This Writ Appeal by a third party appellant, after obtaining leave from the Division Bench is directed against the order dated 28.10.2014 in W.P(MD).No.17282 of 2020 filed by the first respondent praying for a direction upon the respondents 2 and 3 to give police protection for himself and the property by considering the representation dated 10.09.2014.

2. The learned Writ Court had disposed of the writ petition by directing the writ petitioner to give a fresh representation and the respondent Police was directed to provide necessary police protection. The appellant Temple is before us by way of this appeal contending that several facts have been suppressed before the learned Writ Court and the appellant could not place the same, because they were not arrayed as a party respondent in the writ petition. Since the appellant has made out a *prima facie* case, the writ appeal was entertained and the interim order appears to have been granted. The appellant Temple has filed a suit for recovery of possession in O.S.No.109 of 1998 on the file of the learned District Munsif Court, Manapparai, and the suit has been decreed. As against which, A.S.No.185 of 2010 was filed by the first respondent, which has been allowed and now, the matter is pending before this Court in S.A.(MD)No.869 of 2014.

3. In such circumstances, it will be inappropriate for the police authorities to interfere in the matter, unless and until the Court in the Second Appeal issued certain directions. Therefore, the order passed in the writ petition has to be set aside leaving it open to the appellant as well as the first respondent to workout their remedies in the pending Second Appeal.

4. With the above observations, this Writ Appeal is allowed and the order passed in the Writ Petition in W.P(MD).No.17282 of 2020 dated 28.10.2014 is set aside. Consequently, Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm



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.

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To

1. The Superintendent of Police,
Trichy District,
Trichy.
2. The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.

+1 CC to M/s.A.N.RAMANATHAN, Advocate (SR-20665[F] dated 30/06/2021)

+1 CC to M/s.SPL GP (SR-20766[F] dated 30/06/2021)

W.A. (MD) .No.1717 of 2018
29.06.2021

SSS(CO)
KB(13.07.2021) 3P 5C