



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.06.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.13060 of 2022

M.Thangamani

... Petitioner

Vs

- 1.The Superintendent of Police
Dharmapuri District
Dharmapuri
- 2.The Deputy Superintendent of Police
Palacode Division, Palacode
Dharmapuri District
- 3.The Inspector of Police
Mathikanpalayam Police Station
Dharmapuri District
- 4.Arumugam
- 5.Thandavarayan
- 6.Sakthivel

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 24.01.2021 by directing the 3rd respondent to provide protection to their lives and property as per law and to pass suitable orders within a stipulated time and grant such other suitable reliefs as the case may deem fit.

For Petitioner ... Mr.M.Selvam

For Respondents ... Mr.A.Gokulakrishnan
Additional Public Prosecutor
for RR1 to 3.

Mr.N.Manokaran
for R.4.

O R D E R

This Writ Petition has been filed to direct the respondents 1 to 3 to consider the petitioner's representation



dated 24.01.2021 by directing the 3rd respondent to provide police protection to his life and property as per law.

2. Heard Mr.M.Selvam, the learned counsel appearing for the petitioner, Mr.A.Gokulakrishnan, the learned Additional Public Prosecutor for the respondents 1 to 3 and Mr.N.Manokaran, the learned counsel for the 4th respondent.

3. The grievance of the petitioner is that the private respondents are interfering with his possession and therefore he seeks police protection.

4. Learned counsel for the 4th respondent submitted that the petition suppressing the suit for declaration and one another suit for partition is pending, has sought for police protection before this Court. The petitioner has obtained collusive decree and based on that decree he is interfering with the possession. Accordingly, prays for dismissal of the same.

5.As the dispute is revolving around the immovable property, this Court is of the view, such a protection cannot be granted particularly, when there is rivalry claim by the other side. The practice of granting the blanket police protection without establishing title leads to serious consequences. In this aspect, the Hon'ble Apex Court in the case of 'PR.Muralidharan and others Vs.Swami Dharmananda Theertha Padar' reported in 2006 4 SCC as held as follows:

'...19.A Writ for "Police Protection" so-called, has only a limited scope, as when the Court is approached for protection of rights declared by a decree or by an order passed by a civil Court. It cannot be extended to cases where rights have not been determined either finally by the civil Court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.'

6. In such a view of the matter, this Writ Petition is dismissed. If aggrieved, the petitioner is at liberty to approach the Civil Court. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Dharmapuri District
Dharmapuri

2.The Deputy Superintendent of Police
Palacode Division, Palacode
Dharmapuri District

3.The Inspector of Police
Mathikanpalayam Police Station
Dharmapuri District

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.34750

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AJB (CO)
SB(20/06/2022)