



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.12956 of 2022

and

W.M.P.No.12435 of 2022

Thangammal

...Petitioner

Versus

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

2. The Inspector of Police,
Anti-Land Grabbing Cell,
Dharmapuri.

3.Chinnapaapa

4.Jeevan

5.Karthik

6.Ramankrishnan

7.Kavitha

...Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the 1st and 2nd respondents herein to take appropriate action based on the representation of the petitioner dated 04.05.2022 by providing police protection in respect of the property comprised in S.No.378/4A1 to an extent of 1,350 square feet of land situated at Sunjalnatham Village, Pennagaram Taluk, Dharmapuri District and to initiate criminal action against the respondents 3 to 7 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents 1 & 2 : Mr.A.Gokulakrishnan
Additional Public Prosecutor



O R D E R

This writ petition has been filed seeking for a direction to the 1st and 2nd respondents to provide police protection to the immovable property of the petitioner situated at Sunjalnatham Village, Pennagaram Taluk, Dharmapuri District and to initiate criminal action against the respondents 3 to 7 based on the representation of the petitioner dated 04.05.2022.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3. During arguments, it was brought to the notice of this Court that a suit in O.S.No.142 of 2022 is pending between the parties on the file of the Principal Subordinate Court, Dharmapuri. As there is a serious dispute over the title, a blanket order for police protection cannot be granted. The Hon'ble Apex Court in a decision reported in (2006) 4 SCC 501 in P.R.Murlidharan and Others Vs. Swami Dharmananda Theertha Padar and Others, has held that;

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.

4. In this case, since the title itself has not been established and no decree has been obtained, the writ of mandamus directing the police to give police protection cannot be granted. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

ksa-2/nr



To

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

2. The Inspector of Police,
Anti-Land Grabbing Cell,
Dharmapuri.

3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.33173

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MG[co]
NSK/21/06/2022