



W.P.No.21700 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.No.21700 of 2021

Chinaraj

... Petitioner

Vs.

- 1 The District Collector
Dharmapuri District.
- 2 The District Superintendent of Police
O/o.The Superintendent of Police
Dharmapuri District.
- 3 The Deputy Superintendent of Police,
Palacode Division, Palacode,
Dharmapuri.
- 4 The Tahsildar
Palacode Taluk,
Palacode, Dharmapuri.
- 5 The Inspector of Police,
Marndanhalli Police Station,
Marndanhalli,
Dharmapuri.
- 6 Subramani
- 7 Murugan
- 8 Sivakumar
- 9 Chinasamy
- 10 Chinvan
- 11 Thangavel

...Respondents



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Writ petition is filed under Section 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 to 5 herein to provide protection to the petitioner's family members while using the 16 ft width public pathway available in the land in Survey No.185 of Kanavanahalli Village, Dharmapuri District based on the petitioner's petition, dated 30.01.2021 to the respondents herein.

For petitioner : Mr.M.Selvam

For Respondents 1 to 5 : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking direction to the respondents 2 to 5 herein to provide protection to the petitioner's family members while using the 16 ft width public pathway available in the land in Survey No.185 of Kanavanahalli Village, Dharmapuri District based on the petitioner's petition, dated 30.01.2021 to the respondents herein.

2. The petitioner's mother viz., Mariammal purchased the land in Survey No.183 Kanavanahalli Village on 30.04.1985 and from the date of purchase, they are in possession and enjoyment of the property by



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constructing a house therein. In the said document itself there is a clear mention about the right of access of public pathway measuring 16 feet within Survey No.185 of the same village. Subsequently, one Saniyuran family had purchased the a land in front of the petitioner' s property in the year 1993 and in their document also, there is a recital about the public pathway in Survey No.185. The petitioner has been using the pathway ever since the date of purchase as how their predecessor were using the same. In this circumstances, the Saniyuran family had objected the use of public pathway in S.No.185 and threatened the petitioner. Hence, the petitioner gave a complaint to the 5th respondent Police which had been taken on file in CSR No.120 of 2021. The Police enquiry also reveals the existence of the public pathway and hence the Police warned the Suniyuran family not to object the petitioner to use the pathway. It is the grievance of the petitioner that inspite of the above enquiry and warnings, there is continuous life threat given by the Saniyuran family and hence the petitioner has given a representation on 30.01.2021 to give police protection to the petitioner family.



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3. The learned Additional Public Prosecutor would submit that the complaint given by the petitioner has been closed as the matter is civil in nature.

4. On perusal of the records, it is seen that right of pathway claimed by the petitioner and the alleged disturbance caused by the respondents 6 to 11 would give a cause of action for a civil suit. So, the 5th respondent had rightly closed the complaint as civil in nature. The petitioner is at liberty to file a civil suit and seek appropriate remedy including the order of injunction against the respondents 6 to 11 who belong to Saniyuran family. In the event of obtaining a favourable order from the Civil Court, for protecting the right of the petitioner, he can make fresh representation for Police protection on the strength of the order, in case there is any violation caused by the respondents 6 to 11. If such representation is given, the 5th respondent Police is bound to consider the same and take appropriate action in accordance with law.



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5. With the above observation, the Writ Petition stands disposed of.

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vum

Index:yes/No

Speaking order / Non speaking order

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Marndanhalli,
Dharmapuri.
6. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA,J.

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