



W.P.No.31532 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM :

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

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Rajathi

... Petitioner

Vs

1.State of Tamilnadu
represented by
Superintendent of Police
Dharmapuri District.

2.The Inspector of Police
Mathikonpalayam Police Station
Dharmapuri District.

3.Chinnasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the 2nd respondent to dispose the petitioner's representation dated 22.10.2022 within a time frame.

For Petitioner : Mr.K.Sudhakar

For Respondents : Mr.S.Santhosh for R1 & R2
Government Advocate (Crl.side)



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ORDER

The Writ Petition has been filed, seeking to issue a Writ of Mandamus, directing the 2nd respondent to dispose the petitioner's representation dated 22.10.2022 within a time frame.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents 1 &2.

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the land measuring 3 acres and 7 cents situated in Survey No.40/2, Resurvey No.20/2C, property comprised in Survey No.143/2, measuring 1 acre and 60 cents, at Varagur Village, Pulikkaranaï Post, Palacode Taluk, Dharmapuri District by virtue of a sale deed dated 09.09.1998; the petitioner's enjoyment is being disturbed by the 3rd respondent; the 3rd respondent without having any right over the property has filed a petition in Crl.O.P No.18717 of 2021 for seeking police protection. In the said petition, the following order has been passed:



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"Considering the facts and circumstances of the case, the second respondent is directed to issue notice to the petitioner and the respondents 3 to 6 herein and dispose of the representation given by the petitioner, within a period of four weeks from the date of receipt of a copy of this order. With the above direction, this Criminal Original Petition is disposed of".

4. The grievance of the petitioner is that the 2nd respondent interprets the order as a mandate to give police protection and taking sides with the 3rd respondent.

5. The learned Government Advocate (Crl.Side) for the respondents submitted that on the representation given by the 3rd respondent, enquiry has been made and thereafter, the property have been measured with the police protection. However, after receiving the representation from the petitioner, the 2nd respondent police will not interfere in the matter any more.



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6. In view of the above submission made by the learned Government Advocate (Crl. Side), I feel it is appropriate to direct the 2nd respondent to dispose any of the representation given by both the parties by following the guidelines laid down by the Hon'ble Supreme Court in the case of **Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]**. If the enquiry of the 2nd respondent reveals that the matter is civil in nature, it is appropriate for the 2nd respondent to advise both the parties to work out their remedy before the appropriate civil court.

7. With the above direction, this Writ Petition is disposed of. No costs.

25.11.2022

Index : Yes/ No

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To

1.The Superintendent of Police
Dharmapuri District.

2.The Inspector of Police
Mathikonpalayam Police Station
Dharmapuri District.

3.The Public Prosecutor
High Court of Madras.



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R.N.MANJULA, J

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