



W.P.No.28506 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

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D.Mallika

... Petitioner

Vs.

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

2. The State Rep. by its,
Sub Inspector of Police,
Sulthanpet Police Station,
Coimbatore District.

3. M.Kalimuthu

... Respondents

Writ petition is filed under Section 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent No.1 & 2 to grant sufficient Police protection to the petitioner for cleaning the pathway comprised in 436/2B7B, 436/2B9B and 436/2C2 situated at Selakarisal Village, Sular, Coimbatore by considering her representation, dated 01.12.2021.



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For petitioner : Mr.K.Myilsamy
For Respondents 1 & 2 : Mr.A.Damodaran,
Additional Public Prosecutor
For 3rd Respondent : Mr.R.Alvin Manoj Raj, for
M/s.RRN Legal

ORDER

The Writ Petition has been preferred seeking direction to the 1st and 2nd respondents to grant sufficient Police protection to the petitioner for cleaning the pathway comprised in 436/2B7B, 436/2B9B and 436/2C2 situated at Selakarisal Village, Sulur, Coimbatore by considering her representation, dated 01.12.2021.

2. The brief facts of the case are that the petitioner is the owner of the agricultural land situated in Survey Nos.429/2B, 436/1 and 435/2, measuring an extent of 8.66 acres in Selakarisal Village, Sulur, Coimbatore; this is the self acquired properties of the petitioner; there is a pathway in Survey No.436, which exclusively belongs to the petitioner; the sub-division in respect of the said lands has already been done and separate Patta was also issued in the name of the petitioner; while so, the 3rd respondent who is



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the adjacent land owner has filed an appeal challenging the sub division proceedings before the Revenue Divisional Officer, Coimbatore and the same was also dismissed; the documents show that the pathway belongs to the petitioner alone. When the petitioner attempted to remove the bushes in the pathway, the 4th respondent prevented him to do so and tried to attack him; hence, the petitioner has given a representation to the respondent Police to provide adequate Police protection. But the representation of the petitioner was not considered and hence, he is constrained to file the present Writ Petition.

3. Heard Mr.K.Myilsamy, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and Mr.R.Alvin Manoj Raj, learned counsel appearing for M/s.RRN Legal for the 3rd respondent and perused the materials available on record.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that on the basis of the complaint given



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by the husband of the the petitioner, FIR has been registered in Crime No.315 of 2021 for the offence under Section 502 (ii) of I.P.C.

5. The records would show that there is also a civil suit filed by the 3rd respondent seeking declaration and injunction and it is pending on the file of the District Munsif, Coimbatore in O.S.No.30 of 2021. The petitioner did not file any counter suit seeking permanent injunction or any other relief against the 3rd respondent. Though it is true that no interim injunction has been granted in favour of the 3rd respondent, a civil suit is pending between the parties, wherein the title and possession of the petitioner are under challenge.

6. Considering the pendency of the above civil suit, I feel it is appropriate that the parties could work out their remedy before the Civil Court itself. If the petitioner is so advised, he can also file a suit for permanent injunction and get injunction in her favour. Since the civil suit is pending, the respondent Police shall wait to consider the representation of the parties for Police protection until an order is passed by the Civil Court after hearing both side.



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7. With the above observation, this Writ petition stands disposed of.

No costs.

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vum

Index:yes/No

Speaking order / Non speaking order

To

1. The Superintendent of Police,
Coimbatore,
Coimbatore District.
2. The Sub Inspector of Police,
Sulthanpet Police Station,
Coimbatore District.



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R.N.MANJULA,J.

vum

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