



WEB COPY

W.P.No.28085 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.28085 of 2022

S.Mohan

...

Petitioner

versus

1.The Superintendent of Police,
Krishnagiri District.

2.The Deputy Superintendent of Police,
Hosur, Krishnagiri District.

3.The Inspector of Police,
Hosur Police Station,
Krishnagiri District.

4.Komaladevi

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondents 1 to 3 to give adequate police protection to continue petitioner's Atchaya Hotel business in Survey No.425-1 at Muniswar Nagar Ring Road, Hosur Taluk, Krishnagiri District by considering the petitioner's representation dated 14.10.2022.

For Petitioner

: Mr.A.Sathishkumar

For Respondent Nos.1 to 3

: Mr.A.Damodaran
Additional Public Prosecutor



ORDER

This Writ Petition has been filed seeking for a mandamus to direct the respondents 1 to 3 to give police protection to continue petitioner's business by name 'Atchaya Hotel' in Survey No.425-1 at Muniswar Nagar Ring Road, Hosur Taluk, Krishnagiri District.

2. The grievance of the petitioner is that he is conducting a Hotel business in the above premises. The fourth respondent is the owner of the land in which the petitioner is continuing his Hotel business. As per the submission of the petitioner, he had taken vacant land from the fourth respondent for rent and in terms of the agreement dated 27.07.2019, he raised a construction on the same and running his Hotel business. But the fourth respondent is said to be forcing the petitioner to vacate the Hotel premises and threatened him, his employees and customers while they engage in their business. It is also submitted by the petitioner that in this regard a Civil Suit has been filed in O.S.No.63 of 2022 for seeking permanent injunction against the fourth respondent and the same is pending.



3. Since the Civil Suit is pending, it is appropriate for the petitioner to invoke his remedy before the Civil Court. In the event of getting any favourable order from the Court, then it would be appropriate for the respondents to reconsider the request of the petitioner to provide police protection in accordance with the ground realities. If the petitioner feels that there are grounds for filing complaint against the fourth respondent under criminal law for having committed any offence, it is up to him to give a criminal complaint. Since the Civil Suit is already pending and in which no interim order or final order had been passed, no police protection can be given as of now as requested by the petitioner. However, the petitioner is at liberty to renew his request, in the event of getting any favourable order from the Civil Court.

4. With these observations, this Writ Petition is disposed of. No costs.

20.10.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

3/4



R.N.MANJULA, J.

sri

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- To
- 1.The Superintendent of Police,
Krishnagiri District.
 - 2.The Deputy Superintendent of Police,
Hosur, Krishnagiri District.
 - 3.The Inspector of Police,
Hosur Police Station,
Krishnagiri District.
 - 4.The Public Prosecutor,
Madras High Court,
Chennai.

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