



WEB COPY

W.P.No.29072 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.29072 of 2022

P.Venkatachalam

...

Petitioner

versus

1.The Commissioner of Police,
Salem, Salem District.

2.The Assistant Commissioner of Police,
Salem, Salem District.

3.The Inspector of Police,
Omalur Police Station,
Omalur, Salem District.

4.Santhi

5.Tamizhagan

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the third respondent to provide police protection to the petitioner's life and property by restoring his property situate at No.2/97A, Kottamettupatti Village, Yerithottam, R.C.Chettipatti



Post, Omalur, Salem District based on the petitioner's representation dated 02.09.2022.

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For Petitioner

: Mr.C.Prabakaran

For Respondent Nos.1 to 3

: Mr.S.Santhosh

Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed seeking for a mandamus to direct the third respondent to provide police protection to the petitioner's life and property by restoring his property situate at No.2/97A, Kottamettupatti Village, Yerithottam, R.C.Chettipatti Post, Omalur, Salem District based on his representation dated 02.09.2022.

2. The petitioner is a senior citizen of 75 years old; he retired from Government service as Foreman in Tamil Nadu Electricity Board and now a pensioner; his wife (4th respondent) and son (5th respondent) had failed to take care of him in his old age; he was threatened by the respondents 4 and 5 that he give his pension amount to them; in view of the harassment caused by the respondents 4 and 5, the petitioner has given a representation to the third respondent police on 31.08.2019 and in which C.S.R. number was assigned in C.S.R.No.293 of 2019 and enquired. It is stated by the learned



counsel for the petitioner that the petitioner had sent another representation to the third respondent police by making some other allegation against the respondents 4 and 5 on 19.10.2022 and in which also C.S.R. number was assigned in C.S.R.No.457 of 2020. Since the petitioner is living lonely and homeless, he should be given police protection.

3. The dispute between the petitioner and his wife and son are civil in nature and he got separated from his wife before 10 years. The third respondent police had already enquired the matter and closed this as a family issue. The prayer before this Court is that the third respondent police should be directed to provide police protection to the petitioner. On such representations given by the petitioner, he cannot give police protection to him for all day and night. Moreover, such complaints have been considered and action was already taken against them.

4. It is seen that the petitioner's wife got separated from him 10 years ago. If the petitioner is being harassed by his wife and son, it is appropriate for him to lodge a complaint for taking action against them. The



petitioner did not approach any Civil Court for getting any order to restrain his wife and son to interfere with his peaceful possession over the property.

Since the petitioner has alleged a cause of action for a civil suit, the petitioner at liberty to seek remedy by initiating civil proceedings.

5. Since the petitioner claims police protection which is impractical no direction as prayed by him can be granted. If the petitioner gives any complaint by making any other allegations of any criminal occurrence, the concerned police shall look into the matter and take appropriate action in accordance with law.

6. With the above observations, this Writ Petition stands dismissed. No costs.

03.11.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri



To

1. The Commissioner of Police,
Salem, Salem District.
2. The Assistant Commissioner of Police,
Salem, Salem District.
3. The Inspector of Police,
Omalur Police Station,
Omalur, Salem District.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA, J.

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