



W.P(MD)No.3391 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3391 of 2013

D.Manonmani

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

... Respondents

3.K.Sathasivam

... Proposed Respondent

(R3 is impleaded vide Court order, dated
20.11.2018 in M.P(MD)No.1 of 2013)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents police to take appropriate action to protect Church of God South India Mission Mukkoottakal Manjalumoodu from the illegal activities of miscreants of the locality.



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For Petitioner : Mr.K.P.Narayana Kumar
For R1 & R2 : Mr.N.Muthuvijayan
Special Government Pleader
For R3 : Mr.C.Muthu Saravanan

ORDER

The present writ petition has been filed seeking a writ of Mandamus directing the respondents police to take appropriate action as against the third respondent and his men for creating law and order problem in the locality.

2. According to the petitioner, the petitioner's Church is located in Survey No.270/2 and the adjacent property, namely Survey No.270/1 is owned by the third respondent herein. There was a civil dispute between the petitioner and the third respondent. The third respondent had filed O.S.No.406 of 2004 before Second Additional District Munsif Court, Kuzhithurai as against the writ petitioner and the church for the relief of declaration of plaintiff's title and possession and also for consequential injunction. After trial, the said suit was dismissed on 15.09.2012. There are no records to the effect that any appeal was filed by the third



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respondent herein. According to the learned counsel for the petitioner, even after the dismissal of the civil suit, the third respondent is continuing to create nuisance and trying to damage the surrounding wall of the petitioner's church. Hence, he prayed for appropriate police action as against the third respondent herein.

3. The learned counsel for the respondent had contended that it is a civil dispute and this Court may not exercise its power under Article 226 of the Constitution of India.

4. A perusal of the judgment in O.S.No.406 of 2004, it is evident that the third respondent herein had claimed title over the property of the writ petitioner and he has also sought for consequential injunction. The said suit has been dismissed after trial. Thereafter, the third respondent will not have any right to disturb the possession of the writ petitioner herein. Hence, in case, if the petitioner lodges any specific complaint as against the third respondent, the respondents 1 and 2 are directed to register a case and proceed in accordance with law.



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5. With the above said observations, this Writ Petition is disposed of. No costs.

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Index : Yes / No
Internet : Yes / No

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To

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.3391 of 2013

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