



W.P(MD)No.12498 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.12498 of 2022

Manonmani

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Musiri,
Trichy District.

3.The Inspector of Police,
Kattuputtur Police Station,
Trichy District.

4.Valliammal

5.Usha

6.Meena

7.Chandrasekaran

8.Senthil

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the



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respondent Nos.2 & 3 to enforce the order passed in I.A.No.474 of 2012 in O.S.No.162 of 2012 on the file of the District Munsif Court, Musiri by considering the petitioner's representation dated 04.04.2022.

For Petitioner : Mr.K.Arunraj
For Respondents : Mr.M.Sakthikumar
Government Advocate (Crl.side)

ORDER

This writ petitioner filed this Writ Petition seeking a direction to direct the respondent Nos.2 & 3 to enforce the order passed in I.A.No. 474 of 2012 in O.S.No.162 of 2012 on the file of the District Munsif Court, Musiri by considering the petitioner's representation dated 04.04.2022.

2.The learned counsel appearing for the petitioner submitted that the petitioner's husband owned a house in Natham Survey No.746/7 and Naja Survey No.469/1B situated at No.12/13, Elango Street, Nagaiyandallur Village, Thootiyam Taluk, Trichy District. The revenue records, patta, tax receipts and electricity bill of the said properties stood in the name of the petitioner's husband. The respondents 4 to 9 are the petitioner's husband's relatives and they are residing in the same premises



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and they have disturbed the petitioner and also tried to vacate her from the said premises. Hence, she preferred a suit in O.S.No.162 of 2012 before the District Munsif Court, Musiri seeking the relief of permanent injunction against the respondents 4 to 9. The learned judge granted interim injunction in I.A.No.474 of 2012 in O.S.No.162 of 2012. In violation of interim injunction, the respondents 4 to 9 have illegally trespassed into the petitioner's house and brutally assaulted her. Hence, a case has been registered in Crime No.72 of 2022 for the offence under Sections 294(b), 323, 324 and 506(ii) IPC r/w Section 4 of Harassment of Women Act by the third respondent police. On 04.04.2022, she gave a representation to the respondents 1 to 3 to enforce the order passed in I.A.No.474 of 2012 in O.S.No.162 of 2012 by the file learned District Munsif Court, Musiri and to provide adequate police protection to her. But so far no action was taken. Hence, she filed this petition.

3. The learned Government Advocate (criminal side) appearing for the respondent police would submit that already two FIRs have been registered against the petitioners and as well as the respondents 4 to 9. Now the case is under investigation.



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4. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent police.

5.A perusal of records reveals the fact that there is a dispute between the petitioner and the respondents 4 to 9 with regard to property in Natham Survey No.746/7 and Naja Survey No.469/1B situated at No.12/13, Elango Street, Nagaiyandallur Village, Thootiyam Taluk, Trichy District. Hence, the petitioner has filed a suit in O.S.No.162 of 2012, which is pending before the District Munsif Court, Musiri. Pending Suit, the learned Judge granted temporary injunction in I.A.No. 474 of 2012 against the respondents 4 to 9. Even then, the respondents 4 to 9 are continuously harassing the petitioner. Hence, she filed this writ petition seeking enforcement of the said order. If the order of the civil Court is violated, the petitioner has an efficacious remedy to file a petition before the jurisdictional civil Court under Order 39 Rule 2A of Civil Procedure Code. The petitioner without availing the said remedy has come before this Court by filing a writ petition in the nature of Writ of Mandamus under Article 226 of the Constitution of India. This Court finds no merit in this case.



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6. Leaving open the petitioner's right and remedies, this writ petition is dismissed.

20.06.2022

Index :Yes/No
Internet: Yest/No
vsd

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2. The Deputy Superintendent of Police,
Musiri,
Trichy District.
3. The Inspector of Police,
Kattuputtur Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

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