



W.P(MD).No.5267 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.5267 of 2014

Pagavathi Nadar

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Deputy Superintendent of Police,
Vallioor,
Radhapuram Taluk,
Tirunelveli District.
3. The Inspector of Police,
Panagudi Police Station,
Panagudi,
Radhapuram Taluk,
Tirunelveli District.
4. The Sub-Inspector of Police,
Palavoor Police Station,
Palavoor, Radhapuram Taluk,
Tirunelveli District.
5. Raja Pandian
S/o. Narayanasamy Nadar



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6. Rajam

W/o. Raja Pandian

... Respondents

(Respondents 5 and 6 are impleaded vide order of this Court dated 18.06.2015 in M.P(MD) No.1 of 2014 in W.P(MD) No.5267 of 2014)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to provide the petitioner necessary police protection at the time of fencing the petitioner's property admeasuring Cents 25 in Survey Nos. 638/1B, 638/2B and 638/3B, Acre 1 in Survey No.638/1A, Cents 80 in Survey No.638/2A and 638/2B, Cents 70 in Survey No.638/2A and 638/2B as per the decree at Therkkur Karunkulam Village, Radhapuram Taluk, Tirunelveli District in a date convenient to the respondents within stipulated time fixed by this Court by considering the petitioner's representation dated 12.03.2014.

For Petitioner : Mr.S.R.Anbarasu

For Respondents : Mr.R.M.S.Sethuraman
Additional Public Prosecutor
(For – R1 to R4)



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ORDER

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The present Writ Petition has been filed seeking for a Mandamus to provide necessary police protection at the time of fencing the petitioner's property, as per the decree passed in O.S.No.191 of 2007 on the file of the Additional District Munsif Court, Vallioor.

2. The case of the petitioner is that there is a dispute between the petitioner and the respondents 5 and 6 and therefore, the petitioner has approached the Civil Court in O.S.No.191 of 2007. He would further submit that by judgment and decree, dated 19.09.2013, the learned Additional District Munsif, Vallioor granted permanent injunction against the respondents 5 and 6. Therefore, he had prayed for a Mandamus to direct the third respondent to grant police protection to fence the property of the petitioner.

3. Countering the arguments, the learned Additional Public Prosecutor would submit that the prayer in the Writ Petition is seeking for a police protection to fence the properties in S.Nos.638/1B, 2B, 2A at Therkku



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Karunkulam Village, Radhapuram Taluk, Tirunelveli District. The decree of permanent injunction granted by the civil Court is in respect of Survey Nos. 636/3C and 636/4D of South Karunkulam Village. He would contend that based on the strength of the decree obtained from the civil Court, the petitioner has tried to seek police protection to fence the different property. That apart, he would further submit that it is only for the petitioner to approach the civil Court for execution of the decree of permanent injunction and it is purely civil dispute between the petitioner and the respondents No. 5 and 6 for which the services of the third respondent cannot be extended to settle the civil dispute and therefore, he prayed this Court not to grant police protection.

4. I have considered the rival submissions made on either side.

5. As rightly pointed out that the learned Additional Public Prosecutor, the decree is for different property and the property for which the petitioner is seeking indulgence to grant police protection is different. That apart, it is for the petitioner to approach the civil Court which granted the decree, for execution. This Court shall refrain from issuing Mandamus



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to settle the civil dispute between the private parties. It is always open to the petitioner to approach civil Court for appropriate relief against the respondents No.5 and 6.

6. In the light of the above, this Writ Petition is dismissed. No costs.

19.12.2022

Index : Yes / No
Internet : Yes / No
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Order made in
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