



WP(MD)No.23631 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.23631 of 2022

John Peter

... Petitioner

/vs./

1. The Superintendent of Police
Nagercoil, Kanyakumari District
2. The Inspector of Police
Karungal Police Station
Kanyakumari District
3. Ashok Darvin
4. Sundhar Singh
5. Snehapoo

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd Respondents to secure the Petitioner's life and to direct the Respondents No.1 and 2 to give police protection to the Petitioner to construct the compound wall at survey No. 113/3-C property at Keezhmidalam, Kanyakumari District.



WP(MD)No.23631 of 2022

WEB COPY

For Petitioner : Mr.B.Sargunam
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the 1st and 2nd Respondents to secure the Petitioner's life and to direct the Respondents No.1 and 2 to give police protection to the Petitioner to construct the compound wall at survey No. 113/3-C property at Keezhmidalam, Kanniyakumari District.

2. As per the submission of the learned Counsel for the Petitioner the suit property was purchased by the Petitioner. Subsequently O.S.No.90 of 2021 filed by the Petitioner against the private Respondents in this Writ Petition 3 to 5. Interim injunction was granted in favour of the Petitioner before the Trial Court namely Civil Court at Padamanabhapuram. Whiles, the private Respondents 3 to 5 had filed revision before this Court in CRP(MD) No. 1667 of 2022. It is the contention of the learned Counsel for the Petitioner that the Civil Revision Petition is pending. Whiles, when the interim order was in favour of the



WP(MD)No.23631 of 2022

WEB COPY

Petitioner, the Petitioner seeks direction against the Respondents 1 and 2 who prevented him to construct compound wall in the boundaries of the properties purchased by him and in which the Civil Court had granted interim injunction in his favour.

3. The learned Additional Public Prosecutor would submit that there is a case and counter registered against both parties. Already Civil Court had seized the matter and therefore the Writ Petition is not maintainable.

4. Considering the submission of the learned Counsel for the Petitioner and the submission of the learned Additional Public Prosecutor and the contention of the Petitioner that there was injunction in his favour based on which he seeks to put up compound wall in the property is found un acceptable. Particularly when Civil Revision Petition in CRP(MD) No.1667 of 2022 filed by the Respondents 3 to 5 herein is pending before the another Bench of this Court the Petitioner is directed to agitate his rights in the very same Civil Revision Petition and obtain favourable orders and this petition is not maintainable.



WP(MD)No.23631 of 2022

WEB COPY

5. Hence the Writ Petition stands dismissed. No costs.

15.11.2022

Index : Yes / No

Internet : Yes / No

aav

TO:

1. The Superintendent of Police
Nagercoil, Kanyakumari District
2. The Inspector of Police
Karungal Police Station
Kanyakumari District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



WP(MD)No.23631 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

aav

W.P.(MD)No.23631 of 2022

15.11.2022