



W.P.No.17110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.17110 of 2023

and

W.M.P.No.16280 of 2023

S.Varadarajan

...Petitioner

Vs.

1. The Inspector of Police,
Karamadai Police Station,
Karamadai,
Coimbatore District.

2.Pathirasamy

3.Rathinam

4.Subbaiyan

5.Valliamman

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing 1st respondent to give necessary police protection to implement the interim injunction order dated 17.12.2018 made in I.A.No.935 of 2018 in O.S.N.307 of 2018 passed by the learned District Munsif Court, Mettupalayam which has been extended till this date, by considering the petitioner's complaints dated 07.01.2019,



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17.06.2019, 24.11.2019, 30.01.2020, 08.08.2022 and 23.10.2022 as per decision of this Court in Radhika Sri Hari case [2014 (2) CTC 695].

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed for seeking direction to the 1st respondent to give necessary police protection to implement the interim injunction order dated 17.12.2018 made in I.A.No.935 of 2018 in O.S.N.307 of 2018 passed by the learned District Munsif Court, Mettupalayam which has been extended till this date, by considering the petitioner's complaints dated 07.01.2019, 17.06.2019, 24.11.2019, 30.01.2020, 08.08.2022 and 23.10.2022 as per decision of this Court in Radhika Sri Hari case [2014 (2) CTC 695].

2.The learned counsel appearing for the petitioner submitted that, petitioner filed a suit in O.S.No.307 of 2018 against one Pathirasamy and three others (respondents 2 to 5 herein) seeking relief of permanent injunction against the respondents (2 to 5) not to interfere with the



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possession and enjoyment of the suit properties mentioned in the plaint.

Petitioner also filed I.A.No.935 of 2018 seeking interim injunction till the disposal of the case. The learned District Munsif Judge, Mettupalayam granted ad interim injunction in favour of the petitioner against the respondents till 03.01.2018. That application is pending. Pending suit, respondents(2 to 5) are obstructing petitioner's enjoyment of the suit property. Therefore, present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that, when civil suit is pending, petitioner can approach only the Civil Court.

4. It is seen from the submission of the learned counsel for the petitioner that, in I.A.No.935 of 2018 in O.S.No.307 of 2018, petitioner was granted interim injunction against the respondents (2 to 5) that they should not interfere with the possession and enjoyment of the suit properties. However, respondents (2 to 5) are trying to violate this order. Therefore, this Court is of the view that, only option available to the petitioner is to approach the learned District Munsif Judge, Mettupalayam for appropriate remedy. Petitioner cannot approach this Court directly for the relief claimed



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in the petition.

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5. Accordingly, this Writ Petition is dismissed giving liberty to the petitioner to approach the District Munsif Judge, Mettupalayam for appropriate relief. Consequently, connected miscellaneous petition is closed.

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Index :Yes/No
Internet :Yes/No
sma

To

1. District Munsif Judge, Mettupalayam
2. The Inspector of Police,
Morappur Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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