



WEB COPY



W.P.No.21582 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.21582 of 2023

M.Murugan

W/o.Late Marappan

... Petitioner

Vs.

State rep. by its.

1. The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam, Omalur Taluk,
Salem District.

2. Vijayalakshmi

W/o.Late Govindhan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, to direct the 1st respondent to grant police protection to the petitioner and his property comprised in Old Survey No.187/3 in New S.No.187/3B1B in Plot No.18 in Patta No.3240 on total extent of 1200 sq.ft land and building is situated at Tharamangalam Village, Omalur Taluk, Salem District based on the complaint dated 26.05.2023 made by the petitioner within a reasonable time.

For Petitioner

: Mr.C.B.Muralikrishnan
for Mr.S.Varanesh

For Respondent

: Mr.A.Damodaran
Additional Public Prosecutor [R1]



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ORDER

This writ petition has been filed for a direction to grant police protection to the petitioner and his property based on the complaint dated 26.05.2023.

2. Learned Additional Public Prosecutor, on instructions, submitted that both the petitioner and the second respondent had given complaints and both these complaints were enquired in CSR Nos.248 and 249 of 2023 and were closed directing the parties to approach the civil Court and work out their remedy.

3. Learned counsel appearing for petitioner submitted that the husband of the second respondent had already filed a civil suit seeking for the relief of declaration and permanent injunction before the District Munsif Court, Omalur and the same was dismissed by judgment and decree dated 15.09.2022.

4. On carefully going through the decree passed by the District Munsif Court, Omalur, dated 15.09.2022, it is seen that the suit was



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dismissed as abated since the husband of the second respondent died and no steps were taken to implead the legal heirs. If really the second respondent is interfering in the subject property, the petitioner has to approach the civil Court and seek for remedy and the police will have no role to play in this case. Except giving this clarity, no further orders are passed in this writ petition.

Accordingly, this Writ Petition is dismissed. No costs.

20.07.2023

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam, Omalur Taluk,
Salem District.

2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

gm

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