



W.P(MD) No.11787 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.08.2023

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.11787 of 2021

M.Dhandapani

... Petitioner

-Vs-

1. The District Collector
Dindigul District, Dindigul
2. The Superintendent of Police
Dindigul
3. The Inspector of Police
Ottanchathira Police Station,
Dindigul District
- 4.M.Kalimuthu
- 5.K.Dhanam

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents 1 to 3 to provide adequate police protection to petitioner's life and properties bearing Survey No.260/2, 261/1 admeasuring 1 acre 10.5 cents situated at Agaram Village, Dindigul Taluk, Dindigul District and to consider the petitioner's representation dated 1.07.2021.



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For Petitioner : Mr.R.M.Suresh
For R1 to R3 : Mr. R.M.Anbunithi
Additional Public Prosecutor
For R4 : Mr. R.S.Sivaraman

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the respondents 1 to 3 to provide adequate police protection to petitioner's life and properties bearing Survey No. 260/2, 261/1 admeasuring 1 acre 10.5 cents situated at Agaram Village, Dindigul Taluk, Dindigul District and to consider the petitioner's representation dated 1.07.2021

2. According to the petitioner the petitioner is the owner of the property in S.No.260/2,261/1 to an extent of a acre 10.5 cents and the same was under the possession and enjoyment of the petitioner. Already he has filed a suit for partition and the same was dismissed. Against which he filed an appeal and the same was dismissed. Thereafter he filed second appeal before this Court in S.A(MD) No.13 of 2021 and the same was also dismissed. Thereafter on 18.01.2021 the respondents 4 and 5 trespassed into the property of the petitioner with JCB, tractor and broken the fence and demolished the front iron gate and cement concrete pillars and the damage is worth about



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Rs.2,00,000/-. The fourth respondent has put up notice board in the petitioner's allotted property as if the properties belongs to him. The respondents 4 and 5 along with their henchmen illegally trespassed and interfered with the peaceful possession and enjoyment of the petitioner over the property. Therefore he lodged complaint before the third respondent and sent a representation to the respondents 1 and 2 to take action against them and also to protect him and his properties. Further the respondents 4 and 5 are threatening the petitioner's life and his properties. The respondents 1 to 4 have to give necessary protection to the petitioner's life and his properties,hence had given representation dated 01.07.2021 and the same has not been considered by the respondents, hence he has filed the present petition.

3. No counter was filed by the respondents.

4. The learned Additional Public Prosecutor appearing for the official respondents represented that the representation of the petitioner was considered by the police and the same was closed. Further during enquiry both the parties agreed to go before civil Court and seek remedy through Court of law.



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5. The learned counsel appearing for the petitioner fairly conceded that civil suit is pending but even after closure report again the private respondent is causing threat to the petitioner.

6. Heard both sides and perused the materials available on record.

7. In view of the submission made by the learned counsel appearing on either side and also the fact that the already the representation of the petitioner was considered and closed the petition has become infructuous. However if any criminal acts done by the respondents the petitioner is at liberty to approach the concerned police for seeking appropriate remedy, further if the petitioner is aggrieved by the closure report he can approach the learned Judicial Magistrate for seeking appropriate remedy in accordance with law.

8. With the above observation, the Writ Petition stands disposed of. No costs.

03.08.2023

Index : Yes/No
Internet : Yes/No
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P.DHANABAL, J.

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