



W.P(MD) No.14240 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.08.2023

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.14240 of 2021

C.Viswanath

... Petitioner

-Vs-

1. The Superintendent of Police
Kanyakumari District
Nagecoil

2. The Inspector of Police
Kottar Police Station
Kanyakumari District

3. C.Sivashankar

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing directing the respondents 1 and 2 to provide police protection to the petitioner for his life and limb in the light of the representation dated 01.08.2021.

For Petitioner

: Mr. Ashok Padmaraj

For R1 and R2

: Mr. R.M.Anbunithi
Additional Public Prosecutor

For R3

: No appearance



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the first and second respondents to provide police protection to the petitioner for his life and limb in the light of the representation dated 01.08.2021.

2. According to the petitioner there is a dispute with regard to the land in S.No. N.4/17-31 and he is the owner of the property. He had purchased the property in the year 2012. At the time of purchasing the property the vendor of the property has agreed to vacate the property in near future but as agreed the third respondent did not vacate the property. He filed suit without impleading the petitioner as party in O.S.No.130 of 2012 before the II Munsif Court, Nagercoil for the relief of permanent injunction and thereafter the petitioner filed impleading petition and after contest the suit was dismissed on 31.03.2021. Thereafter on 19.07.2021 when he visited the property, the third respondent and the father of the third respondent criminally intimidated and attempted to kill him to grab the property. Hence he lodged complaint before the second respondent on 20.07.2021 but no action was taken and then again on 28.07.2021 the petitioner sent representation to the respondents 1



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and 2 seeking protection for his life against the third respondent but they had not taken any action. Again on 01.08.2021 sent representation to the first and second respondents to take action against the third respondents and also for police protection and the same was not considered by the respondents 1 and 2. Hence he has filed the present petition to consider the representation dated 01.08.2021.

3. No counter was filed by the respondents.

4. The learned counsel for the petitioner would contend that the third respondent very often attempted to kill the petitioner and thereby he lodged complaint before the respondent police but they have not taken any action. The third respondent also file a suit in O.S.No.130 of 2012 before the II Munsif Court, Nagercoil for the relief of permanent injunction and the same was also dismissed. Thereafter the petitioner has sent so many representations to the respondents 1 and 2 but they have not taken any action on the representation. Thereafter he has sent a representation dated 01.08.2021 and the same was also not considered, hence he had filed the present petition to consider the representation dated 01.08.2021.



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5. The learned Additional Public Prosecutor would contend that already the representation of the petitioner was considered and the same was closed on 13.08.2021.

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

7. On perusal of the record, it is observed that the petitioner has frequently sent representations to the respondents 1 and 2 and the same were not considered. Later the petitioner has sent representation dated 01.08.2021 and in that complaint he has narrated the entire happenings and requested the respondents 1 and 2 to take action as against the third respondent and to protect his family members but as per the respondents 1 and 2 the above said report was considered and the same was closed on 13.08.2021. Therefore this Court need not pass any further orders with regard to the representation. However the petitioner is at liberty to approach the appropriate forum for appropriate relief as against the closure report, according to law..



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

01.08.2023

Index : Yes/No
Internet : Yes/No
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To

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



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P.DHANABAL, J.

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