



W.P(MD) No.14659 of 2021

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.14659 of 2021

A.Kumar

... Petitioner

-Vs-

1. The Commissioner of Police
Tiruchirapalli City
Tiruchirapalli

2. The Inspector of Police
Srirangam Police Station
Tiruchirapalli District

3. A.P.Satheesh Kumar
4. M.Anthoniraj
5. A.Prasanna
6. N.Ramkumar

... 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 give adequate police protection to the petitioner to the life and limb of the petitioner and his family and to take immediate action against the respondents 3 to 6 herein for indulging in illegal act of eviction by considering petitioner's wife representation dated 12.07.2021 within the period that may be stipulated by this Court.



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For Petitioner	: Mr. A.John Vincent
For R1 and R2	: Mr. R.M.Anbunithi Additional Public Prosecutor
For R3	: Mr.J.Ashok
For R6	: Mr.N.Sathish Babu

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the the respondents 1 and 2 to give adequate police protection to the petitioner to the life and limb of the petitioner and his family and to take immediate action against the respondents 3 to 6 herein for indulging in illegal act of eviction by considering petitioner's wife representation dated 12.07.2021.

2. According to the petitioner the property is situated in survey No.237 and 306 part in Kila Tiruchendure Village belongs to one Mnagalraj and his wife Gnanam Jeeyaseeli . The petitioner has been authorized by the owners for maintenance and of sale of the above properties by a registered power deed dated 29.11.2010. The civil suit was filed for declaration and injunction before the District Munsif court, Tiruchendur in O.S. No.187 of 2010 in I.A.No.595 of 2010 and interim injunction was granted. The original documents pertaining to the above property were received from the Court by advocate and they failed to return the same for that he made complaint. Thereafter



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appeal in A.S.Nos.369 and 370 of 2017 was filed and same was also pending before the Sub Court, Tiruchendur and a private complaint case in Crime No.194 of 014 is pending before the Judicial Magistrate Court, Tiruchendur. On 11.07.2021 at about 10.30 hrs under the leadership of sixth respondent who is the functionary of a political party came with ten people and forcibly entered into the fruit shop at Amma Mandapam in Srirangam and forced the employees to make a call to him and threatened to come to the shop earlier. On the same day at about 19.30 hrs the sixth respondent along with respondents 3 to 5 and hooligans totalling 20 in number came in two cars bearing registration number TN 92 E 6744 and TN 92AA 5252 and they remained in the shop for hours and they consumed alcohol in the shop itself and the same was also recorded in the CCTV camera . Therefore he made phone call to police emergency number 100, the police arrived but no action initiated. Thereafter the petitioner lodged complaint before the police on 12.07.2021 and on 15.07.2021 he sent online complaint to the Director General of Police and thereafter the police called the wife of the petitioner and enquired. The first respondent on 16.07.2021 called the wife of the petitioner and she gave online complaint dated 12.07.2021 to him. The Sub Inspector of Police, Srirangam Police Station accepting the counter complaints of the third respondent and one Kalaiselvi W/o. Ramasamy in C.S.R.



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No.s 357 and 358 of 2021 respectively and handed over summons meant for him to his wife on 16.07.2021 . Thereafter the petitioner appeared before the Sub Inspector of Police, Srirangam Police Station on 17.07.2021 and on 18.07.2021 his wife appeared before the police for enquiry. Again on 27.07.2021 the second respondent issued CSR No.390/2021 for the complaint dated 12.07.2021. The above said acts of the respondents 3 to 6 are illegal and threats for safety and security of his life as well as his family members are in danger. Hence there is reasonable apprehension that his life is in danger and the respondents 1 and 2 have not initiated any steps till date, hence he has filed the present petition.

3. No counter was filed by the respondents.

4. The learned counsel for the petitioner would contend that private respondents trespassed into shop and remained there for three hours and consumed alcohol and so many complaints were given to the first and second respondents and the same were not considered by the official respondents, thereby the present petition has been filed. The petitioner is the power agent of one Mnagalraj and Gnanam Jeeyaseeli and they executed power deed in favour of the



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petitioner in respect of property in S.F.No.237 and 306 in Kilathiruchendur Village through registered power deed dated 29.11.2010. Civil proceedings are pending before the civil court and private complaint proceeding are also pending before the learned Judicial Magistrate, Tiruchendur. Whiles, respondents 3 to 5 on 09.07.201 threatened to convey the properties under the leadership of R6 and forcibly entered in to the petitioner's fruit shop and remained in the shop and had alcohol in the shop itself and the same was informed to police and police also came there but not taken any action

5. The Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that so many petitions were received from the petitioner and his wife and the same were enquired and closed then and there, as those complaints pertains to civil dispute, hence prayed that the petition may be dismissed.

6. The learned counsel appearing for the private respondents also would contend that the matter is pertaining to the civil dispute and no any occurrence was happened as alleged by the petitioner and the petitioner has given false complaint and thereby the police have



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closed the matter as civil dispute

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7. At this juncture the learned counsel for the petitioner would submit that copy of the closure report was not served on him. In view of the same the second respondent is directed to serve copy of the closure report to the learned counsel for the petitioner today itself.

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

9. According to the petitioner, the petitioner is the power agent of one Mnagalraj and Gnanam Jeeyaseeli and they executed power deed in favour of the petitioner in respect of property in S.F.No.237 and 306 in Kilathiruchendur Village through registered power deed dated 29.11.2010. Civil proceedings are pending before the civil court and private complaint proceeding are also pending before the learned Judicial Magistrate, Tiruchendur. Whiles, respondents 3 to 5 on 09.07.201 threatened to convey the properties under the leadership of R6 and forcibly entered in to the petitioner's fruit shop and remained in the shop and had alcohol in the shop itself and the same was informed to police and police also came there but not taken any



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action. Thereafter his wife lodged complaint on 12.07.2021 and his son lodged online complaint but the police have not taken any action. According to the respondent police the petitioner and his wife gave several representations and the same were enquired and closed. It is admitted fact that civil dispute is pending between the parties and private complaint, proceedings also pending before the Magistrate Court. Further the petitioner has produced the copy of C.S.R.No.390 of 2021 and it reveals that there is a civil dispute pending in Court and the respondents threatened to execute deeds in respect of the property. Therefore it is clear that civil disputes and other litigations are pending between the parties.

10. On perusal of the record, it is observed that in the affidavit there is no mention about the threat caused by the private respondents to the petitioner and his family and only stated that the respondents 3 to 5 along with the help of 20 others entered into shop and consumed alcohol. Further the representation dated 12.07.2021 also revealed that the already police came to the spot and enquired the matter. Even according to the complaint there is no specific allegation against the threat for the life and limb of the petitioner and his family members. The above said allegations are not specific, they are vague, thereby the petitioner is not entitled for any relief before



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this Court. Since the representation of the petitioner was already considered and closed the petitioner can seek remedy through Jurisdictional Magistrate by filing appropriate petition under Section 156(3) of Cr.P.C according to law. If at all the petitioner is aggrieved by the closure report he can very well approach the jurisdictional Magistrate Court for appropriate orders and not through this petition. However if any threats made by the respondents in future, he can approach the concerned police and they have to take legal action according to law, but the present petition was already closed thereby this petition is liable to be dismissed.

11. Accordingly this Writ Petition stands dismissed. No costs.

01.08.2023

Index : Yes/No
Internet : Yes/No
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To

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Tiruchirapalli City
Tiruchirapalli
2. The Inspector of Police
Srirangam Police Station
Tiruchirapalli District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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P.DHANABAL, J.

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