



W.P.(MD)No.17938 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.09.2023

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Writ Petition (MD) No.17938 of 2021

Marimuthu, S/o.Ramasamy Pillai

.. Petitioner

Versus

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Thallakulam Police Station,
Madurai City.

3.M.Thirupathi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to give adequate police protection to the petitioner and his family members' life and liberty.

For Petitioner : Ms.Surekha
for Mr.R.Venkatesan

For R1 and R2 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R3 : Mr.R.Narayanan



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ORDER

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2. The petitioner sent a representation dated 25.09.2021 to the first respondent stating that he and his wife are living in Bama Nagar II Street, Park Town Extension, Thapal Thanthinagar, Madurai, and they are aged senior citizens and their children are settled in abroad and they are alone living in the said address. One M.Thirupati, who is the third respondent herein, and his father Muthupandi, who are doing construction work in the opposite Plot of the petitioner, had been stocking building materials in the road and also near the petitioner's compound. Further, they belong to political party and with flag mast in the car of the ruling party. They are parking the car in front of the petitioner's gate, obstructing the access to the petitioner and during emergency and need hours, the petitioner is unable to take out the car and use the same. Further, two wheelers and four wheelers have been parked in front of the petitioner's house. Added to it, the petitioner submits that constant dust and sound emanating. The petitioner, being a retired Special Sub-Inspector of Police, made several complaints to the jurisdictional police and higher officials. There has been no response. Since the said Thirupati and Muthu



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Pandi belonging to ruling party with money and muscle power, the petitioner and his wife are unable to live peacefully and they are living in panic, fear for their life. The petitioner's car was damaged by the construction workers, which was reported to the Thallakulam Police, Madurai. The Police directed the third respondent to remove the dumping materials, make free road and pathway. Getting offended for the same, on 23.09.2021, the said Thirupati and his family members had come in group, threatened and abused the petitioner and his wife. Hence, the petitioner sent a complaint along with photographs of the obstructing materials. Thereafter, no action has been taken. Hence, he filed the present Writ Petition.

3. The learned Additional Public Prosecutor submits that on the complaint of the petitioner, enquiry was conducted. It is true that the said third respondent is constructing a house opposite to the petitioner's house. Further, the third respondent after obtaining permission from the neighbouring vacant plot owner, dumping the building materials there and carrying out the construction works. On certain days, due to the exigency, some of the building materials have been placed on the road and the same have been removed on the advice of the police. Cars have been parked on the side of the Walls and not in front of the gate of the petitioner, not obstructing the ingress and egress to the petitioner's house. He further submits that now the construction work is



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completed and produced photographs showing that the place has been completely cleaned without any obstruction to the petitioner. He further gave an undertaking that as and when any complaint is received from the petitioner, it will be immediately attended and ensure that the petitioner lives in peace and harmony, who is in the evening of his life.

4. The learned counsel for the third respondent filed a Memo on instructions of the third respondent, stating that the construction work was done two years before, during that time, there was parking of the car on the opposite of the road and not in front of the petitioner's gate. With the permission of the neighbouring house owners, construction materials were placed without disturbing any of the residents, now the construction completed. For the past one year, the road is clear and now, there is no hindrance in the road and the third respondent is parking his vehicle only in his Portico, inside his house and there is no disturbance in any manner. He further undertook that he would not be a cause of any obstruction and nuisance, not only to the petitioner, but also to any of the residents, being in the public service and a political functionary, he is more conscious to the service to the Society and hence, there will not be any obstruction in any manner as projected by the petitioner.



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5. Considering the aforesaid submissions and perusal of the materials and also the Photographs and Memo filed by the third respondent, it is seen that now the construction work completed and the place is cleared from all dumping materials, the petitioner's gate is without any obstruction. The petitioner has got free access of ingress and egress to his house. The third respondent completed construction of his house and now parking the vehicle inside the house. In view of the same, the grievance of the petitioner addressed and hence, no further direction is required.

6. Recording the same, this Writ Petition is closed. No costs.

Index : Yes/No
Internet : Yes
smn2

14.09.2023

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
Thallakulam Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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