



W.P(MD)No.575 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.575 of 2015

and

M.P(MD)No.2 of 2015

Chithambaram

... Petitioner

Vs

1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

2.The Deputy Superintendent of Police,
Devakottai,
Sivagangai District.

3.Subramanian

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the first respondent in O.Mu.A1/5884/2014 dated 22.12.2014 and quash the same as illegal and arbitrary.



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For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1 & R.2

No Appearance for R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2. Third respondent has been served and his name is printed in the cause list.

2. It appears that there is civil dispute between the petitioner and the third respondent. Peace Committee Meeting was also conducted. The first respondent had written to the second respondent informing him that the third respondent is in possession of the property and directed the second respondent to give him police protection.

3. If there is any imminent threat to public safety, it is open to the Executive Magistrate to invoke the provisions of the Criminal Procedure Code and pass appropriate orders. The Code prescribes certain procedures. In this case, without adhering to any such procedure, the impugned communication



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has been sent by the respondents 1 and 2. It is patently illegal and without jurisdiction. It is quashed.

4. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.08.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 2.The Deputy Superintendent of Police,
Devakottai,
Sivagangai District.



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G.R.SWAMINATHAN, J.

MGA

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