



Writ Petition No.2128 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2128 of 2024

and

W.M.P.No.2276 of 2024

1.S.S.Sivakumar
S/o.V.Sundaraswamy

2.K.Dhandapani
S/o.Kulandaisamy

3.Hemalatha
W/o.K.Dhandapani

... Petitioners

Vs.

1.The District Superintendent of Police,
Coimbatore District, Coimbatore.

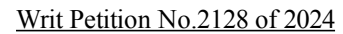
2.The Deputy Superintendent of Police,
Coimbatore District, Coimbatore.

3.The Circle Inspector of Police,
Karamadai Police Station,
Karamadai, Coimbatore District.

4.R.Bala Kulandaivel
S/o.S.R.Rangasamy

5.B.Anupraba
D/o.Bala Kulandaivel

... Respondents





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Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 to 3.

3. It is seen from records that there is already a civil dispute between the parties and the petitioners 2 and 3 have already filed a suit for permanent injunction in O.S.No.865 of 2022 on the file of District Munsif, Coimbatore, against the fourth respondent and his daughter. In that suit, they also filed I.A.No.2 of 2022 seeking for an order of interim injunction. The civil Court, after considering the materials placed before the Court, allowed the application by order dated 05.12.2022 and thereby, an order of interim injunction was passed restraining the fourth respondent, his men, agents from in anyway interfering with the peaceful possession and enjoyment of the property.

4. The grievance of the petitioner is that in spite of this order passed by the civil Court, the fourth respondent along with some rowdy elements was attempting to interfere with the possession and enjoyment of the property and was also causing threat to the petitioners. It is under these circumstances, the petitioners gave a complaint before the



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respondent police seeking for police protection.

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5. The petitioners had earlier approached this Court and filed W.P.No.26491 of 2023 for a direction the police to act upon the complaint and to provide police protection. This writ petition was disposed of by an order dated 11.09.2023 by directing the police to take a decision on the complaint given by the petitioner within a period of two weeks.

6. Pursuant to the above order, the impugned enquiry report dated 01.10.2023 came to be issued by the third respondent. The third respondent has directed the parties to work out their remedies before the civil Court. Aggrieved by the same, the present writ petition has been filed before this Court.

7. It is not in dispute that the matter is now pending before the competent civil Court. The civil Court has also passed an order of interim injunction in favour of the petitioners. If this order is violated, it is always left open to the petitioners to move an application for initiating contempt



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action against the fourth respondent and also seek for police protection u/s.151 Cr.P.C. in order to effectively enjoy the interim order that was passed in favour of the petitioners. The civil Court can go into this application and appropriate orders can be passed. If ultimately the civil Court issues a direction to the police, the police will not have any difficulty in acting upon the same. The police are hesitant to take any action since the matter is pending before the civil Court. Therefore, it requires a specific direction from the civil Court in order to enable the police to take action/provide protection.

8. In the light of the above discussion, liberty is granted to the petitioner to approach the competent civil Court where the suit in O.S.No.865 of 2022 is pending and seek for necessary protection. On the filing of such an application, the competent civil Court shall take a decision within a period of four weeks thereafter.

9. It is made clear that the impugned enquiry report that has been put to challenge in this writ petition cannot be treated as a piece of

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evidence before the civil Court and the parties can agitate the issue before the civil Court only based on the materials that are already available on record. In other words, by virtue of the order passed in this petition, the impugned enquiry report dated 01.10.2023 becomes insignificant.

This writ petition is disposed of in the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

01.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

- 1.The District Superintendent of Police,
Coimbatore District, Coimbatore.
- 2.The Deputy Superintendent of Police,
Coimbatore District, Coimbatore.
- 3.The Circle Inspector of Police,
Karamadai Police Station,
Karamadai, Coimbatore District.
- 4.The Public Prosecutor, High Court, Madras.

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