



WEB COPY



Writ Petition No.3496 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3496 of 2024

S.Ramasamy

S/o.Sengoda Gounder

... Petitioner

Vs.

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

2.The Inspector of Police,
Erode South Police Station,
Erode District.

3.Vignesh
S/o.Late Periyasamy

4.Jayalakshmi
W/o.Late Periyasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 and 2 to provide police protection to fence the petitioner property in No.44, 45, S.K.C. Road, Erode District by considering the petitioner's representation dated 26.10.2023 by appreciating the above stated facts.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1 & R2]



Writ Petition No.3496 of 2024

ORDER

This Writ Petition has been filed seeking for a direction to the respondents 1 and 2 to provide police protection to fence the petitioner's property in No.44, 45, S.K.C. Road, Erode District, by considering the petitioner's representation dated 26.10.2023.

2. Heard Mr.M.Guruprasad, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. Learned Additional Public Prosecutor, on instructions, submitted that the earlier representation that was given by the petitioner was enquired in CSR No.393 of 2023 and closed by directing the parties to work out their remedy before the competent civil Court. It is seen from records that the petitioner has succeeded before this Court in S.A.No.494 of 2006 by judgment dated 25.05.2023. In line with this judgment, the petitioner had sought for police protection. Hence, it is not proper on the part of the police to once again direct the parties to work out their remedy before the civil Court. The civil Court has already considered the inter se rights and a final decision has been rendered.



Writ Petition No.3496 of 2024

4. In the light of the above discussion, there shall be direction to the second respondent to deal with the representation/complaint given by the petitioner on 26.10.2023 in the light of the judgment passed in S.A.No.494 of 2006 and take a final decision within a period of four (4) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of in the above terms. No costs.

15.02.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

gm

To

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

2.The Inspector of Police,
Erode South Police Station,
Erode District.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Writ Petition No.3496 of 2024

N.ANAND VENKATESH, J

gm

Writ Petition No.3496 of 2024

15.02.2024