



WEB COPY



W.P.No.6716 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE DR.G.JAYACHANDRAN

W.P.No.6716 of 2024

R.Vijaya Kumar

... Petitioner

Vs.

1. The Deputy Commissioner of Police,
Thiruppur City,
Thiruppur District.

2. The Inspector of Police,
Anupparapalayam Police Station,
Thiruppur District.

3. Mr.R.Arumugam
(3rd respondent is impleaded vide Order dated
09.07.2024 made in W.M.P.No.20114 of 2024
in W.P.No.6716 of 2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents to give police protection to shifting of gold and other fixtures in the petitioner's old branch situated at “No.73, Gandhi Road, Opposite Velan Hospital, Avinashi road, Anupparpalayam Puthur, Thiruppur District – 641 652.” by considering the petitioner's representation dated 22.12.2023.

For Petitioner : Mr.K.Vijayakumar



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For R1 & R2 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

For R3 : S.Vinoth Kumar

ORDER

The petitioner herein is the tenant in a premises bearing Door No.73, Gandhi Road, Opposite Velan Hospital, Avinashi Road, Anupparpalayam Puthur, Thiruppur District – 641 652. With an intention to shift the premises to another building he seeks police protection. However, it is stated that the landlord is objecting the shifting of article from the premises and therefore, it is eminent to get police protection for shifting the articles. The landlord has entered appearance by filing an application to implead himself, wherein he has stated that substantial facts being suppressed in this writ petition. There is a landlord tenant dispute and a suit in O.S.No.160 of 2023 and O.S.No.162 of 2024 is pending on the file of the District Munsiff Court, Tiruppur. Suppressing those facts the present writ petition is filed.

2. The learned Government Advocate (Crl.Side) for the first and second respondents states that the representation of the petitioner seeking police protection was enquired and after enquiring the landlord as well as the petitioner and having come to know that a civil dispute is pending, parties are advised to workout their remedy before the Civil Court.



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3. It is also submitted that the landlord has given a complaint stating that the petitioner herein has entered the premises forcefully and removed all the articles kept in the premises on the midnight on 01.07.2024.

4. Taking into consideration that the landlord tenant dispute which is pending before the Civil Court, any protection to remove the fixtures are to be obtained from the Court where suit is pending. Police cannot be directed to give police protection for removing the articles which is subject matter pending before the District Munsiff Court, Tiruppur in O.S.No.160 of 2023 and O.S.No.162 of 2024.

5. This writ petition stands dismissed with the above observations. No cost.

09.07.2024

(1/2)

Speaking Order: Yes/No
Neutral Citation: Yes/No
Index :Yes/No
rgm



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DR.G.JAYACHANDRAN, J.

rgm

To

1. The Deputy Commissioner of Police,
Thiruppur City,
Thiruppur District.
2. The Inspector of Police,
Anupparapalayam Police Station,
Thiruppur District.

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**09.07.2024
(1/2)**