



W.P.No.9944 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 16.04.2024

Pronounced on: 18.04.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

W.P.No.9944 of 2024

Mrs.Mahalaksmi,
W/o.Mr.Chittibabu,
No.36, Urur Kuppam,
Besant Nagar,
Chennai – 600 090.

.... Petitioner

/versus/

1. Secretary to Government,
Ministry of Home Affairs,
Tamil Nadu Secretariat, Fort St.George,
Chennai – 600 009.
2. The Director General of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai – 600 007.
3. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai – 600 007.



W.P.No.9944 of 2024

4. The Inspector of Police,
Shastri Nagar,
J-5, Sasthri Nagar Police Station,
Chennai – 600 020.

5. C.Kasinathan,
Urur Kuppam President,
Urur Kuppam, Besant Nagar,
Chennai – 600 090.

.... Respondents

Prayer:- Writ Petition has been filed under Article 226 of Constitution of India, to issue Writ of Mandamus directing the 4th respondent to give police protection for the petitioner's peaceful possession in the petitioner's village at No.36, Urur Kuppam, Besant Nagar, Chennai – 600 090.

For Petitioner : Mr.S.Thiruvengadam

For R1 to R4 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

ORDER

This Writ Petition is filed to issue Writ of Mandamus directing the 4th respondent to give police protection for the petitioner's peaceful possession in the petitioner's village at No.36, Urur Kuppam, Besant Nagar, Chennai.

2. The petitioner herein belongs to Urur Kuppam near Besant Nagar, Chennai. Her grievance is that the villagers had excommunicated her



W.P.No.9944 of 2024

family and there is a constant threat to her life by the President of her village

who is shown as 5th respondent.

3. In the affidavit filed in support of her Writ Petition, she has stated that in the year 2013, two groups in her village clashed with each other and there was heavy damage to the property of the villagers and one person died in arson. Her house was burnt and she was forced to leave the village. After normalcy returns to the village, the case was registered against the members of the unlawful assembly but it ended in acquittal, since no witness except the petitioner and her husband supported the case of the prosecution. Since she gave evidence against the 5th respondent and his henchmen, her family was restrained from entering the village. Her right got restored, only after the Court intervened and passed order in W.P.No.165 of 2012 had provided protection to her.

4. The grievance of the petitioner is that the 5th respondent is not allowing her family to live peacefully in the village. Hence, to protect her right, direction to the police to be issued in the nature of mandamus to give protection to her peacefully living in the village.



W.P.No.9944 of 2024

5. The Learned Government Advocate (Crl.Side) for the respondent submitted that pursuant to the complaint given by the petitioner, the 5th respondent and others were summoned and enquired. The petitioner was also present. After enquiry 4th respondent found that there is no real threat to the petitioner by the Village President or others. The 5th respondent has informed that there is no excommunication of the petitioner's family and they were allowed to participate in all the functions held in the Village. Therefore, the representation of the petitioner been closed.

6. This Court perused the CD file and finds that there was some disturbance to the family members of the petitioner since the year 2013 and same been brought to the notice of the police through representation. Finally, on 12.03.2024, the 5th respondent and others in the village were summoned and they were given an undertaking that they will not disturb the peaceful life of the petitioner in the village and they will not prevent her from participating in the social functions held in the village.



W.P.No.9944 of 2024

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7. In the said circumstances, the respondent police has recorded the undertaking and closed the complaint. Copy of the closure report been served to the petitioner on 14.03.2024. In the above facts and circumstances, it is suffice to direct the respondent police herein to ensure safety of the petitioner and if there is any illegal act of excommunication necessary action to be taken.

8. With the above direction, this *Writ Petition is disposed of*. No costs.

18.04.2024

Index :Yes/No.

Internet :Yes/No.

Speaking Order/Non-speaking order
bsm

Copy to:-

1. The Secretary to Government,
Ministry of Home Affairs,
Tamil Nadu Secretariat, Fort St.George,
Chennai – 600 009.

2. The Director General of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
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W.P.No.9944 of 2024

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Shastri Nagar,
J-5, Sasthri Nagar Police Station,
Chennai – 600 020.
5. The Public Prosecutor, High Court, Madras.



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W.P.No.9944 of 2024

DR.G.JAYACHANDRAN, J.

bsm

Pre-delivery order made in
W.P.No.9944 of 2024

18.04.2024