



WEB COPY



W.A.No.2731 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.2731 of 2021

Sivaraman .. Appellant

Vs.

1. Jayaraman

2. The Superintendent of Police
Villupuram District, Villupuram.

3. The Inspector of Police
Villupuram Town Police Station
Villupuram.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order in W.P.No.11081 of 2021 dated 30.04.2021.

For Appellant : Mr.D.Vasanth
for Mr.N.Suresh

For Respondents : Mr.R.T.Vijaya Raaghavan
for R1

Mr.D.Gopal
Government Advocate
for R2 and R3

JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

The writ appeal has been instituted challenging the order dated 30.04.2021 in W.P.No.11801 of 2021.



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2. The writ petition has been preferred by the first respondent herein, seeking directions to provide police protection to himself and to his property. The Writ Court granted the relief by issuing directions to the Inspector of Police, Villupuram Town (West) Police Station to give protection to the first respondent for putting up the compound wall in the property without any obstruction, unless there is any orders from the competent Civil Court.

3. Such an order granted in the writ petition itself is running counter to the established principles. Writ Court cannot issue any such directions, granting police protection in respect of property disputes. The aggrieved person has to approach the competent Civil Court of law.

4. In the present case, a suit was already instituted by the writ appellant in O.S.No.182 of 2012. The appellant before us filed the present writ appeal by obtaining leave from this Court. The learned counsel for the appellant would submit that the suit instituted by the appellant in O.S.No.182 of 2012 was disposed of by the learned Additional Munsif Court, Villupuram on 03.04.2024.



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5. The learned counsel for the first respondent would submit that by virtue of the decree, the order of the Writ Court has been flouted.

6. We cannot adjudicate disputes of civil nature either in the the writ petition or in the writ appeal proceedings. It is for the parties to resolve the civil disputes in the manner known to law before the competent Civil Court of law. Since the civil suit instituted by the appellant has already been disposed of, the first respondent is at liberty to prefer an appeal suit. However, the order passed by the Writ Court cannot be sustained in view of the fact that the relief granted is beyond the scope of the power of Judicial Review conferred under Article 226 of the Constitution of India.

7. Accordingly, the writ order impugned dated 30.04.2021 in W.P.No.11081 of 2021 is set aside and the writ appeal stands allowed. There shall be no order as to costs. Consequently, C.M.P.Nos.17829 and 17831 of 2021 are closed.

(S.M.S., J.) (C.K., J)
15.07.2024

Neutral Citation:Yes/No
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To:

1. The Superintendent of Police
Villupuram District, Villupuram.
2. The Inspector of Police
Villupuram Town Police Station
Villupuram.



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S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

(drm)

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