



W.P.No.24775 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.24775 of 2024

and

W.M.P.No.27112 of 2024

S.Palaniyappan

... Petitioner

Vs.

1. The Superintendent of Police,
District Police Office,
Salem, Salem District.

2. The Inspector of Police,
Sankari Police Station,
Sankari, Salem District.

3. The Sub Inspector of Police,
Thevur Police Station,
Thevur, Sankari Taluk,
Salem District.

4. Murthuvel

5. Perumal

6. Velu @ Palaniammal

7. Sekar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the respondents 4 to 7 and provide police protection to the petitioner for enjoyment of the common cart track, which is the suit property in the judgment and decree dated 22.12.2014 made in O.S.No.226 of 2012 on the file of the learned District Munsif Court, Sankari as held in 2014(2) CTC 695 by considering the petitioner's representation dated 28.06.2024.

For Petitioner : Mr.N.Manoharan
For R1 to R3 : Mr.S.Sugendran,
Additional Public Prosecutor
For R4,R5, & R7 : Mr.C.Munusamy
For R6 : No appearance

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action against the respondents 4 to 7 and provide police protection to the petitioner for enjoyment of the common cart track, which is the suit property in the judgment and decree dated 22.12.2014 made in O.S.No.226 of 2012 on the file of the learned District Munsif Court, Sankari as held in 2014(2) CTC 695 by considering the petitioner's representation dated 28.06.2024.

2. Heard the learned counsel appearing for the petitioner, the



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learned Additional Public Prosecutor appearing for the official respondents and the learned counsel appearing for the private respondents and perused the materials available on record.

3. It is submitted by the learned counsel for the petitioner that the petitioner has filed a civil suit as against the private respondents in O.S.No.226 of 2012 on the file of the District Munsif Court, Sankari and obtained a decree in his favour on 22.12.2014. Thereafter, the private respondents have not filed any appeal challenging the abovesaid decree and now, they are disobeying and violating the order of the civil court and they also prevented the petitioner from using the pathway. Hence, the petitioner has given a representation before the official respondents seeking police protection. Since no action was taken by the respondent police so far, he constrained to file the above writ petition.

4. It is seen that that the petitioner has obtained a decree. If the private respondents are violating the order of the civil court, the petitioner can approach the civil court by invoking Order 21 C.P.C. The



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petitioner either can file an execution petition or contempt petition for violation of the order of the civil court, by the private respondents. Normally, the police would not interfere with the civil dispute between the parties. Further, the petitioner is not seeking police protection for any particular event or particular place temporarily. The police protection cannot be granted for a blanket representation, especially for maintenance of the property of any of the individual. Hence, this Court cannot give a direction to the respondent police on the blanket petitioner's representation .

5. In view of the above, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed. However, the petitioner is at liberty to workout his remedy in the manner known to law before the competent civil court.

26.11.2024

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Index: Yes/No



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P.VELMURUGAN, J.

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