



W.P.No.31635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.11.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31635 of 2024

S.Manickkavasagam

..

Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore District,
PIN 607 001.

2. The Deputy Superintendent of Police,
Panruti,
Cuddalore District.

3. The Inspector of Police,
Kadambuliur Police Station,
Cuddalore District.

4. M.Subburayan

5. S.Sundaramoorthy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to give Police protection while he construct the cement sheet house in his premises and consider the representation dated 19.09.2024.

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For petitioner : Mr.Senthamizh Selvan

For respondents : Mr.S.Vinoth, Govt. Advocate (Crl. Side) for RR-1 to 3
Mr.S.Nedunchezhiyan for RR-4 and 5

ORDER

The petitioner has filed the present Writ Petition praying to issue a Writ of Mandamus to direct the third respondent to give Police protection while he constructs the cement sheet house in his premises and consider the representation dated 19.09.2024.

2. On hearing both sides, it is to be noted that the dispute involved in this case is of civil in nature which is still pending between the parties in O.S.No.119 of 2023. Hence, this petition is dismissed, with liberty to the parties to seek remedy before the Civil Court in the pending suit in O.S.No.119 of 2023 on the file of the Subordinate Court, Panruti.

3. Now-a-days, the trend of the parties is to file a case before the Criminal side of the Court, even though the dispute is of civil in nature. By giving the criminal colour for their remedy, they are filing these types of petitions.

4. In this case, on going through the records, it is clear that the matter is of civil in nature and the dispute is between the father and son. As indicated

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above, already a civil suit is filed and it is pending in O.S.No.119 of 2023 before the Court below. Since the petitioner could not get any interim order from the Civil Court, the parties like the petitioner, are trying to invoke the Criminal jurisdiction of the High Court, which is nothing but an abuse of process of law.

5. Under the above said circumstances, the Writ Petition is dismissed, however, there shall be no order as to costs.

11.11.2024

CS

To

1. The Superintendent of Police,
Cuddalore District,
PIN 607 001.
2. The Deputy Superintendent of Police,
Panruti,
Cuddalore District.
3. The Inspector of Police,
Kadambuliur Police Station,
Cuddalore District.
4. The Public Prosecutor, High Court, Madras.

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