



WEB COPY



W.P No.34896 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.34896 of 2023
and WMP No.34889 of 2023

R.Saraswathi

Petitioner

vs.

1. The Superintendent of Police,
Tiruppur District,
Tiruppur.
- 2.The Deputy Superintendent of Police,
Palladam Sub Division,
Tiruppur District.
- 3.The Inspector of Police,
Avinashipalayam Police Station,
Tiruppur District.
- 4.C.Anandhan
- 5.C.Rajendran
- 6.Chandra

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issue of writ of Mandamus directing the respondents 1 to 3 to give adequate police protection to protect the petitioners life and property measuring 13.11 acres in S.F.Nos. 336/1 and 317 Pongalur Village Palladam Taluk Tiruppur District as per the judgment and decree dated 17.12.1998 made in O.S.No. 134 of 1996 passed by the Ld. Sub Court Tiruppur by considering petitioner



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complaints/representations dated 25.09.2023 27.09.2023 28.09.2023 04.10.2023 and 01.11.2023 in view of the decision of this Court reported in 2014 (2) CTC 695.

For Petitioner : Mr.N.Manoharan

For R1 to R3 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issue of Writ of Mandamus directing the respondents 1 to 3 to act upon complaint / representation made by the petitioner, who is seeking for police protection for her life and property.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of respondents 1 to 3.

3.The main grievance that was expressed by the learned counsel for the petitioner is that there is already an exparte decree passed in O.S.No.134/1996, granting permanent injunction. The respondents 4 to 5 filed O.S.No.570/2005 before the learned District Munsif Court, Tiruppur, against the petitioner and her family members, seeking for relief of partition and separate possession. This Suit was dismissed for default and it was not restored. However, yet another Suit was filed in O.S.No.358 of 2020, before the learned Principal



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District Munsif Court, Tirupur and in this Suit, there was a collusive compromise decree. Immediately on coming to know about the same, the petitioner along with three others filed O.S.No.577/2021, before the Principal District Court, Thirupur, to declare the compromise decree in O.S.No.358/2020, as null and void and for other reliefs. Pending this Suit, an attempt was made by the private respondents to cause threat to the petitioner and the property. Repeated complaints were made to the respondent Police and the same was not acted upon. Hence the present Writ Petition was filed before this Court seeking for appropriate relief.

4. In the considered view of this Court, there is already a substantive Suit pending before the Principal District Munsif, Thirupur, in O.S.No.577/2021, filed by the petitioner and three others. The petitioner has specifically alleged that earlier compromise decree was a collusive decree. Therefore it is null and void. The petitioner also alleges that taking advantage of that compromise decree, attempt is being made to interfere with the property, inspite of the earlier decree passed in favour of the petitioner. Hence, it is always be left open to the petitioner and others to file appropriate petition before the learned Principal District Judge, Thirupur, to safeguard their possession, pending disposal of the Suit. Same will be considered by the concerned Court on its own



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merit and in accordance with law. The respondent Police will not be able to interfere in this dispute at this juncture and it will be more appropriate to workout the remedy only before the competent Civil Court. Except giving this clarity, no further order can be passed in this Writ Petition.

5. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is also closed.

18.01.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation case : Yes
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To

1. The Superintendent of Police,
Tiruppur District,
Tiruppur.
2. The Deputy Superintendent of Police,
Palladam Sub Division,
Tiruppur District.
3. The Inspector of Police,
Avinashipalayam Police Station,
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N. ANAND VENKATESH, J.

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