



WP(MD) No.3481 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.3481 of 2024

P.Ravindran

... Petitioner

/vs./

1.The District Superintendent of Police ,
Office of the District Superintendent of Police
Korampallam,
Thoothukudi District.

2.The Inspector of Police
Authoor Police Station,
Thoothukudi District.

3.X.Jude Prathap

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2, to give police protection to the Petitioner and his family members as well as their properties in S.Nos.344, 345, 346/3, 347/2B, 348 and 349/1, situated in Palayakayal Village (Now Eral Taluk), Srivaikundam Taluk, Thoothukudi District by considering the Petitioner's representation dated 29.01.2024.



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For Petitioner : Mr.M.P.Senthil
For R1 & R2 : Mr.M.Veeranthiran
Government Advocate (Criminal Side)

ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this Writ Petition, seeking Writ of Mandamus, to direct the Respondents 1 and 2, to give police protection to the Petitioner and his family members as well as their properties in S.Nos.344, 345, 346/3, 347/2B, 348 and 349/1, situate in Palayakayal Village (Now Eral Taluk), Srivaikundam Taluk, Thoothukudi District by considering the Petitioner's representation dated 29.01.2024.

2. The contention of the learned Counsel for the Petitioner is that the father of the Petitioner viz., Periyasamy Nadar, had instituted a suit in O.S.No.215 of 2011 before the learned District Munsif, Srivaikundam. The suit was for the relief of partition and he had claimed 1/10 share in the joint family property. While so, he had withdrawn the suit and subsequently, he had executed a sale deed in favour of the third Respondent. After withdrawal



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of the suit by the father of the Petitioner, the Petitioner had instituted a suit against his father and against the brother of the Petitioner, in O.S.No.122 of 2013, before the District Munsif, Srivaikundam, in which, the Petitioner was granted an order of interim injunction, not to alienate the property and thereafter, the Court had ordered notice on the Defendants. After summons, the Defendants did not appear, therefore, the Court had ordered paper publication. Even after effecting paper publication, the Defendants did not appear, therefore, the learned District Munsif, Srivaikundam, had made the interim injunction absolute and closed the Petition on 16.12.2013 as “paper publication effected for R1, R1 not present. R1 called absent and set exparte and the Petition is Allowed ” Therefore, interim injunction continues till date. While so, father of the Petitioner, who is the first Defendant in the suit in O.S.No.122 of 2013 had, by suppressing the pendency of the suit, sold the property to the third Respondent, as per the sale deed, dated 27.11.2013.

3. It is the further submission of the learned Counsel for the Petitioner that the Petitioner is residing at Adambakkam, Chennai and the Petitioner and his relatives are jointly conducting Salt pan in the disputed



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property. The purchaser / third Respondent sought to implead himself in the suit by filing Interlocutory Application in I.A.No.519 of 2017, which was dismissed, based on the objection of the Plaintiff / Petitioner herein. Against which, the third Respondent herein preferred Civil Revision Petition in C.R.P. (MD)No.307 of 2019 before this Court and the same is pending. While so, the Purchaser, who does not have any share till the partition of the decree granted by the Court, had taken the risk of *lis pendens* and misusing the sale deed executed by the father of the Plaintiff (first Defendant in the suit) threatening the workers in the Salt Pan. The third Respondent is a Coolie guide Rowdy elements. In spite of the Complaint of the Petitioner, the Respondents 1 and 2 did not give police protection to the workers employed by the Petitioner in the Petitioner's Salt Pan, which is carried out by the family members and till date, the Respondents 1 and 2 had not extended police protection. Therefore, the Petitioner was forced to file this Writ Petition, seeking direction against the third Respondent.

4. Originally the suit was filed before the learned District Munsif, Srivaikundam in O.S.No.122 of 2013, subsequently it was



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transferred to the file of the learned Subordinate Judge, Thoothukudi, renumbered as O.S.No.178 of 2016 and thereafter, it was transferred to the learned Subordinate Judge, Thiruchendur, renumbered as O.S.No.399 of 2017 and once again transferred to the learned Subordinate Judge, Srivaikundam, renumbered as O.S.No.180 of 2023.

5. The learned Government Advocate (Criminal Side), on instructions of the second Respondent, submits that the purchaser is in possession of the property.

6. The person, who had alleged to have the purchaser of the property, engages a Counsel Mr.S.Balaji, (Mobile No.9865306560), who says that subsequent suit filed by the brother of the Petitioner herein viz., Sathyaseelan filed another suit, which was dismissed. Therefore, he had every right to challenge the orders of the Civil Court in interim injunction.



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7. In the light of this submissions, the Respondents 1 and 2 are directed to give police protection as per the order of the trial Judge. The learned trial Judge is directed to take contempt Petition against the Respondent, who had violated the interim order made absolute. Till the suit is disposed of before the trial Court, the order shall continue.

8. The first Respondent shall hold departmental enquiry against the second Respondent, who had refused to provide police protection to the Petitioner in whose favour the civil Court had granted an order of injunction and helping a stranger, who has obtained sale deed against the order of civil Court and interfering in lawful order of the civil Court.

9. The first Respondent shall ensure police protection to the Petitioner in the light of the order of the civil Court against the Defendants in the suit and all those claiming right, through the Defendants till the proceedings in the suit conclude before the civil Court in Execution Proceedings.



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10. With the above directions, this ***Writ Petition*** is disposed of.

No costs.

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Index : Yes / No

Internet : Yes / No

LS

TO:

- 1.The District Superintendent of Police ,
Office of the District Superintendent of Police
Korampallam,
Thoothukudi District.
- 2.The Inspector of Police
Authoor Police Station,
Thoothukudi District.
- 3.The District Munsif,
Srivaikundam
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Subordinate Judge,
Srivaikundam.

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SATHI KUMAR SUKUMARA KURUP, J.

LS

Order made in
W.P.(MD)No.3481 of 2024

Dated:
16.02.2024