



WP(MD) No.4266 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **28.02.2024**

CORAM:

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

W.P.(MD) No.4266 of 2024

Avudaiyappan,
Secretary,
Tamil Nadu Electricity Workers
Federation,
Virudhunagar Electricity
Distribution Circle Branch,
Virudhunagar,
Virudhunagar District.

... Petitioner

/vs./

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 3.The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
- 4.K.Ganaguru
- 5.Manokaran

... Respondents



WP(MD) No.4266 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third Respondent herein to provide adequate Police protection in view of representation dated 16.11.2023.

For Petitioner : Mr.M.Jothi Basu

For R-1 to R-3 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition for issuance of Writ of Mandamus, seeking direction against the third Respondent to provide adequate Police protection, based on the Petitioner's representation dated 16.11.2023.

2. It is the contention of the learned Counsel for the Petitioner that the Petitioner is elected as New Secretary of Tamil Nadu Electricity Workers Federation, which is a Trade Union registered under Trade Union Act, affiliated with All India Trade Union Congress. While so, All India Trade Union Electricity Board, which is the trade Union of the Electricity workers belonging to Tamil Nadu has it has own building at Virudhunagar, wherein the Respondents 4 and 5 were occupying as tenants. At that point of time, the office bearers of the Trade Union Congress are affiliated to the Tamil Nadu



WP(MD) No.4266 of 2024

Electricity Board. Now after the present election, they have not vacated the premises. It is the contention of the learned Counsel for the Petitioner that the suits were filed in City Civil Court, Chennai to declare the newly elected office bearers as office bearers of the Association. While so, the Respondents 4 and 5 had filed suit in O.S.No.49 of 2017 before the learned Sub-Judge, Virudhunagar District seeking permanent injunction against the Petitioner and other office bearers of the Association. After due trial, the Sub-Court had dismissed the suit. The plaintiff in O.S.No.49 of 2017 had not agitated their right by filing any appeal. Therefore, the Petitioner seeks Police protection to remove the private Respondents from illegal possession.

3. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 to 3, would submit that based on the representation of the Petitioner dated 16.11.2023, the Respondents 4 and 5 were summoned by the third Respondent, in which the Petitioner also appeared. After due enquiry, CSR No.262 of 2023 dated 28.12.2023 was issued and the same was closed on the undertaking given by both parties that they will sort out the dispute through the Civil Court.



WP(MD) No.4266 of 2024

4. In the light of the submissions made by the learned Counsel for the Petitioner and the learned Government Advocate, the Petitioner is directed to evict the Respondents 4 and 5 through orders of the Civil Court.

5. As per the circular of Director General of Police, Tamil Nadu, Chennai, in Rc.007301/Genl.I(1)/2019, dated 09.04.2019 and Additional Director General of Police in C.No.18/ADGP/L&O/Camp/2024, the Field Officers throughout the State of Tamil Nadu are not to involve themselves in the civil dispute particularly involving money dispute and property dispute. Here it is the case of the Petitioner to evict the tenants. Therefore, appropriate orders have to be obtained from the competent Civil Court to evict the tenant, as per the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act.

6. With the above observations, this Writ Petition stands dismissed. No costs.

28.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr



WP(MD) No.4266 of 2024

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Virudhunagar.
- 2.The Deputy Superintendent of Police,
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- 3.The Inspector of Police,
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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
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