



WP(MD) No.6158 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2024**

CORAM:

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

W.P.(MD) No.6158 of 2024

P.Sreedhar

... Petitioner

/vs./

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi District.

2.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.

3.Maduranayagam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the Respondent No. 2 to take action on the basis of the Petitioner's representation dated 16.02.2024 and to provide adequate necessary police protection to the Petitioner and his staffs within the time stipulated by this Court.



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For Petitioner : M/s.D.Ramya
For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submits that the Petitioner is serving as Site Supervisor in the Pioneer Xenergy Private Limited at Muthammalpuram Village. The Company had purchased the land at Muthammalpuram Village in S.Nos.107 and 108 in the year 2022. Thereafter, the power generating Company in the process of laying High Tension Towers to carry the power generated by them by way of Windmills. During such process, the third Respondent restrained the Petitioner and other staff from entering into the land of the Company for erection of towers. The third Respondent had also threatened the Petitioner and other staff from entering into the land belonging to the Company. The owner of Pioneer Xenergy Private Limited is residing at Chennai. Therefore, he had authorized the Petitioner to lodge the complaint. Therefore, the Petitioner had lodged the complaint on 01.03.2024 with the second Respondent. The same was registered as CSR.No.171 of 2023. The request of the Petitioner to provide adequate police protection to enter into the Company was not acted upon by the second Respondent. The Petitioner Company also sought survey of the land in



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S.Nos.107, 108 and 126. On 17.11.2023, the Surveyor surveyed the land and clearly marked the boundaries for the pathway in S.No.126. The third Respondent is alleged to have fenced the pathway by encroaching the common pathway. The encroachment was mentioned by the Surveyor. The third Respondent, who does not have any claim or right over the property, had been harassing the Petitioner from entering into the Company's premises. Therefore, the Petitioner seeks police protection to enter into the Company's land as the Petitioner is the Site Supervisor.

2.The learned Government Advocate (Crl.side), on instruction of the Respondents 1 and 2, submits that based on the complaint preferred by the Petitioner, CSR.No.171 of 2023 was registered and an enquiry was conducted. The Petitioner failed to co-operate with the enquiry. Therefore, the petition was closed. Subsequently, another CSR was registered in CSR.No.954 of 2023 and after conducting enquiry, the same was also closed directing the Petitioner to approach the civil Court for appropriate relief.

3.Considering the submission of the learned Counsel for the Petitioner that the Petitioner had purchased the property, the Petitioner is serving as Site



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Supervisor and the third Respondent having no title still prevented the Petitioner from entering into the land purchased by the Company, it is for the Petitioner to seek appropriate relief through the Civil Court. This Court exercising the discretion under Article 226 of the Constitution of India cannot order for police protection.

4.In the reported ruling of the Hon'ble Supreme Court in ***P.R.Muralidharan Vs. Swami Dharmananda Theertha Padar*** reported in (2006) **4 SCC 501**, it has been held as follows:-

“19.A writ for “police protection” so-called, has only a limited scope, as, when the court is approached for protection of rights declared by a decree or by an order passed by a civil court. It cannot be extended to cases where rights have not been determined either finally by the civil court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.”

5.It amounts to violation of the circular of the Director General of Police, Head of State Police Force, Tamil Nadu State, Chennai -4 issued in Rc.No. 892914/X1/2020 dated 12.03.2021 warning the Field Officers not to entertain any dispute involving property and money. Therefore, the Petitioner is directed to approach the civil Court to establish his right and seek appropriate relief against



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With the above directions, this Writ Petition is disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

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SATHI KUMAR SUKUMARA KURUP, J.

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Order made in
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