



W.P(MD)No.6651 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2024

CORAM :

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

W.P(MD)No.6651 of 2024

P.Venkatajalapathy,

... Petitioner

Vs

1.The Inspector General of Police,
Central Zone, Trichy.

2.The Deputy Inspector General of Police,
Central Zone, Trichy.

3. State of Tamil Nadu,
Represented by the Superintendent of Police,
Karur District, Karur.

4. The Deputy Superintendent Of Police,
Kulithalai Range,
Karur District.

5. The Inspector of Police,
Thogamalai Police Station,
Thogamalai,
Karur District.

6. Subramanian,

7. Mayakrishnan,

8. Chandrasekar,



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9. Mathiyalagan,

10. Asaithambi,

*(*R1 & R2 are suo motu impleaded by this Court vide order dated 20.03.2024)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents police i.e. respondents 1 to 3 to grant adequate police protection for the petitioners life and limb as well as properties in Sy. No.795/11 (Old Sy. No. 162/1A1) patta in Patta No.1073 and agricultural properties in Survey No. 174/A and 811 in Pothuravuthanpatti, Krishnarayapuram (K.R. Puram) Taluk, Karur District, on the basis of the petitioner's representation, dated 23.02.2024 to the respondents 1 to 3.

For Petitioner : Mr.P.M.Vishnu Varthanan
For R1 to R3 : Mr.R.Siva Kumar
Government Advocate (Crl.Side)

ORDER

The learned Counsel appearing for the Petitioner submit that this petition had been filed seeking a Writ of Mandamus against the Respondents 3 to 5 to extend police protection for his life and limb and for the properties in Survey No.795/11, Patta No.1073 and agricultural properties in Survey No.174/A and 811 in Pothuravuthanpatti, Krishnarayapuram (K.R. Puram) Taluk, Karur District.



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2.It is the further submission of the learned Counsel appearing for the Petitioner that the Petitioner had put up construction for which, the private respondents/Respondents 6 to 10 herein objected. Therefore, the Petitioner was forced to file a suit before the learned District Munsif, Kulithalai in O.S.No.189 of 2002. After trial, the suit was decreed in favour of the Petitioner herein. In continuation of the suit, the Petitioner had filed a execution petition in E.P.No. 85 of 2021. The execution petition was referred to Lok Adalat in LAC No.301 of 2022. There also, an award was passed in favour of the Petitioner and against the private respondents herein. Subsequent to the Lok Adalat award, the private Respondents/Respondents 6 to 10 are alleged to have attacked the wife of the Petitioner brutally and damaged the car of the Petitioner. The complaint given by the Petitioner was not taken up for investigation. Therefore, the Petitioner seeks protection for the life and limb.

3.The learned Government Advocate (Crl.Side) representing the Respondents 1 to 3 submit that based on the Petitioner's complaint, CSR.No. 163 of 2024 was registered and enquiry was conducted. In the enquiry, both the parties arrived at a compromise.

4.The submission of the learned Government Advocate (Crl.Side) cannot



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be accepted in the light of the fact that a competent civil Court had granted a decree in favour of the Petitioner herein. While so, there was contempt committed by the private respondents herein against which, the Petitioner had filed an execution petition for violation of decree of injunction. As per the affidavit of the Petitioner, the Private Respondents herein had committed contempt of Court.

5. Therefore, the Respondents 3 to 5 are directed to arrest the private Respondents 6 to 10 immediately and produce them before the District Munsif Court, Kulithalai, for contempt of Court. The Superintendent of Police, Karur District, is directed to issue memo to the Inspector of Police, Thogaimalai Police Station, Karur District.

6. When a common citizen of this country is recruited as a police officer, either as a Sub-Inspector of Police or as a Police Constable, while undergoing training, they are imparted in the training to uphold law, to protect life and limb of the citizens, to protect the property of all the citizen of this country and on the day of passing out of the parade, a promise is giving out by the candidates. Instead of such formalities in practice, they throw the principles to wind.



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7. Here is a case that the Petitioner herein, as a citizen of this Country, had approached the civil Court and filed a suit for injunction to protect life and limb and to protect his right in the property, in which the private respondents herein are alleged to have interfered in the right of possession a citizen can only seek rule of law through the Court of law. He had been accordingly granted a decree by the civil Court. After the grant of decree, there was still violation. Therefore, the Petitioner had filed an Execution Petition. When the Execution Petition was pending, the Court on its own motion had referred the matter to Lok Adalat. In Lok Adalat, there was an award in favour of the Petitioner still the private Respondents 6 to 10 are alleged to have attacked the Petitioner's wife brutally and damaged his car. When he had mentioned all these things in the complaint, the third Respondent/Inspector of Police, Thogamalai Police Station, Karur District, had conducted kattapanchayat by registering a CSR number without knowing the risk involved in this matter and decree granted in favour of the complainant. While so, he ought to have protected the decree of the Court. Instead he had taken sides with the aggressors and reported that the parties had arrived at a compromise. This is an easy way for any person for holding the post of Station House Officer of the Police Stations across the State. They are not interested in upholding the law. It is a condemnable act on the part of the Inspector of Police, Thogaimalai Police Station, who had



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registered the CSR No.163 of 2024.

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8. Therefore, the Inspector of General of Police, Central Zone, Trichy and the Deputy Inspector of General of Police, Central Zone, Trichy are *suo motu* impleaded as first and second Respondents in this case. The rest of the Respondents in the writ petition are re-arranged as 3 to 10. The Inspector of General of Police, Central Zone, shall conduct enquiry. The private respondents are to be arrested immediately and produce them before the learned District Munsif Court, Kulithalai, for violation of the decree of injunction and for contempt of civil Court. The learned District Munsif, Kulithalai, shall pass appropriate orders. As per the order of this Court, the Police officials right from the Inspector of General of Police, Central Zone, Trichy to the Superintendent of Police, Karur, up to the Inspector of Police, Thogamalai Police Station, are duty bound to protect the life and limb of the Petitioner and also to protect his property as per the decree passed by the civil Court.

9. With the above directions, this writ petition is disposed of. No costs.

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Index : Yes/No
Internet: Yes/No
LR

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- 2.The Deputy Inspector General of Police,
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3. State of Tamil Nadu,
Represented by the Superintendent of Police,
Karur District, Karur.
4. The Deputy Superintendent Of Police,
Kulithalai Range,
Karur District.
5. The Inspector of Police,
Thogamalai Police Station,
Thogamalai,
Karur District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:
The District Munsif, Kulithalai.



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SATHI KUMAR SUKUMARA KURUP, J.

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