



WP(MD)No.6987 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.(MD)No.6987 of 2024

Ponnaiah.S.T

... Petitioner

/vs./

1.The Superintendent of Police

Korampallam, Thoothukudi District,
Thoothukudi.

2.The Deputy Superintendent of Police,

Sathankulam, Thoothukudi District.

3.The Inspector of Police

Sathankulam Police Station, Sathankulam,
Thoothukudi District.

4. S.Samuel Jebasundar

5. The Tahsildar,

Sathankulam.

... Respondents

(R-5 is suo-moto impleaded vide order dated 27.03.2024

in W.P.(MD).No.6987 of 2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 to 3 to give police protection to the Petitioner and his agricultural workers for



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harvesting the paddy cultivated in Survey Nos.302/1B2 3A 3B 7 8B 303/1 2C 323/7A2 7A3 7B1 7B2 322/1A 1C 304/1 2 3 5 6 12A 12B 13 14 and 305/1A 1B 1C and 318/3A situated at Meerankulam Village II , Sathankulam Taluk, Thoothukudi District by considering the Petitioner's representations, dated 19.02.2024 26.02.2024 and 02.03.2024.

For Petitioner : Mr.M.P.Senthil
For R1 to 3 & 5 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition, seeking a Writ of Mandamus, directing the Respondents 1 to 3 to give police protection to the Petitioner and his agricultural workers for harvesting the paddy cultivated in Survey Nos. 302/1B2 3A 3B 7 8B 303/1 2C 323/7A2 7A3 7B1 7B2 322/1A 1C 304/1 2 3 5 6 12A 12B 13 14 and 305/1A 1B 1C and 318/3A situated at Meerankulam Village II, Sathankulam Taluk, Thoothukudi District by considering the Petitioner's representations, dated 19.02.2024, 26.02.2024 and 02.03.2024.



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2. It is the submission of the learned Counsel for the Petitioner that the suit for specific performance between the Petitioner herein and the fourth Respondent is pending in O.S.No.51 of 2021 on the file of the District Munsif Court, Sathankulam. While so, he is unable to take out the agricultural labourers to his property, since the fourth Respondent objected to it. Hence, he was forced to file this Writ Petition, seeking the above said direction, as the crop will result in loss to the Petitioner.

3. The learned Government Advocate (Criminal Side) appearing for the Respondent Police vehemently objected the prayer, stating that if the Petitioner is aggrieved, he ought to have obtained an interim order in O.S. No.51 of 2021, instead he had chosen to file this Writ Petition. Therefore, he seeks for dismissal of this Writ Petition.

4. Considering the submission of the learned Counsel for the Petitioner that there are cases and counter cases pending against the Petitioner and the fourth Respondent and also civil dispute is pending



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between the Petitioner herein and the fourth Respondent herein in O.S.No. 51 of 2021, this Court *suo motu* impleads the Tahsildar, Sathankulam as 5th Respondent / Executive Magistrate in this Writ Petition. The third Respondent shall issue summons to the fourth Respondent and the Petitioner herein, directing them to appear before the Tahsildar, Sathankulam in a day or two. The Tahsildar as Executive Magistrate, Sathankulam shall ensure that there is no breach of peace and shall pass appropriate orders for providing police protection for harvesting the crops.

5. Since the suit is pending between the parties, the parties have to seek their remedy through Civil Court only and they cannot follow this method every year.

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

No costs.

27.03.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes/ No

LS

Note: Issue order copy on 27.03.2024.



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TO:

- 1.The Superintendent of Police
Korampallam, Thoothukudi District,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Sathankulam, Thoothukudi District.
- 3.The Inspector of Police
Sathankulam Police Station, Sathankulam,
Thoothukudi District.
4. The Tahsildar,
Sathankulam.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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