



W.P(MD)No.11354 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11354 of 2024

Sakila Banu

... Petitioner

Vs

**1. The Superintendent of Police,
Office of the Superintendent of Police,
Pudukottai.**

**2. The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.**

**3. The Sub Inspector of Police,
Nagudi Police Station,
Pudukottai District.**

4. Mohandoss

5. Ramakrishnan

... 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 1 to 3 to give the necessary protection to the petitioner's life and limb from the private respondents No.4 and 5 and their men by



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considering the petitioner's representation on 20.05.2024.

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For Petitioner	: Mr.K.Bala Sundaram Senior Counsel For KBS Law Office
For R1 to R3	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor
For R4	: Mr.R.Prasanna
For R5	: No Appearance

ORDER

This Writ Petition has been filed seeking a direction to the respondent police to give protection to the petitioner's life and limb from the private respondents.

2.The learned Senior Counsel appearing for the petitioner submits that the petitioner is residing in the subject property in S.No.103/25 at Melamangalam Village. Behind her back, the fourth respondent has filed a civil suit and obtained a decree as against one Nagoorkani, who is the brother-in-law of the petitioner. The petitioner claims that she is having valid documents for her residence and she is also having plan approval



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for the construction of the building. The fourth respondent in the strength of the ex-parte decree obtained in O.S.No.18 of 2005, is attempting to evict the petitioner forcibly. Therefore, the petitioner has approached the respondent police seeking police protection. However, the respondent police have not acted upon the same. Hence this petition has been filed.

3.The learned Additional Public Prosecutor appearing for the respondent police submits that the fourth respondent has already filed a civil suit in O.S.No.18 of 2005 and obtained an ex-parte decree in his favour. There was a clash between the petitioner and the fourth respondent, for which, case and counter case were also registered in Crime Nos.119 and 79 of 2024. He further submits that since the matter is pertaining to civil dispute, the respondent police are not interfering with the affairs of the petitioner and the fourth respondent.

4.The learned Counsel appearing for the fourth respondent submits that the fourth respondent has already obtained a decree from the competent civil Court.



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5.In reply, the learned Senior Counsel appearing for the petitioner submits that the petitioner is not added as a party in O.S.No.18 of 2005 and therefore, he has filed an application in I.A.No.1 of 2023 seeking to set aside the ex-parte decree and the same is pending for the past one and a half years.

6.This Court has considered the rival submissions made and also perused the materials placed on record.

7.Admittedly, the fourth respondent has obtained a decree. Whether it is an ex-parte decree or a decree on merits, the competent civil Court has granted decree in favour of the fourth respondent. At the same time, the petitioner also claims that she is residing in the subject property and she is also having valid documents and the decree was obtained behind her back.

8.Considering the above, this Court feels that the petitioner has to work out her remedy only in the application filed in I.A.1 of 2023, pending before the District Munsif Court, Aranthangi. Also, considering that case and counter case are registered, the District Munsif Court,



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Aranthangi, Pudukottai District, is directed to decide the application in

I.A.No.1 of 2023 as expeditiously as possible.

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

24.07.2024

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

LR

To

1.The District Munsif Court,
Aranthangi, Pudukottai District

2. The Superintendent of Police,
Office of the Superintendent of Police,
Pudukottai.

3. The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.

4. The Sub Inspector of Police,
Nagudi Police Station,
Pudukottai District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

LR

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