



W.P.(MD).No.13544 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.13544 of 2023

Adirampattinam Rural Development Association,
No.59, Pattukottai Road, Adirampattinam,
Thanjavur District, represented through its Treasurer,
Ahmed Ibrahim,
S/o. Abdul Khadar

...Petitioner

Vs.

- 1.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 2.The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.
- 3.The Inspector of Police,
Adirampattinam Police Station,
Adirampattinam, Thanjavur District.
- 4.The Commissioner,
Adirampattinam Municipality,
Thanjavur District.
- 5.Rama Gunasekharan
- 6.Abdul Kareem

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents Nos.1 to 3 herein to provide necessary police protection to the life and limb of the petitioner and also to the construction of carried out the property of the petitioner's Society an extent of 1.34 acres comprised in Re-Survey No.262/41 situated at Adirampattinam, Thanjavur District, by considering his representation dated 22.05.2023 and for other reliefs.

For Petitioner : Mr.J.Lawrance

For R-1 to R-3 : Mr.A.Albert James,
Government Advocate
(Criminal Side)

For R-4 : Mr.A.Rahul

For R-5 & R-6 : No Appearance

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing respondent Nos.1 to 3 to provide police protection in order to enable the petitioner Association to carry out the construction in the subject property.

2. When the matter was taken up for hearing today, the learned Government Advocate (Criminal Side) appearing on behalf of the respondent Police on instructions submitted that the complaint given by the petitioner was enquired and the parties were directed to work out their remedy before the appropriate forum and it was also closed.



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3. The learned counsel appearing for the petitioner submitted that the fourth respondent Municipality filed W.P.(MD).No.18754 of 2023 for a direction to the Government to resume the land that was occupied by the petitioner on the ground that it is a water body. Subsequently, the Writ Petition was dismissed as withdrawn by an order dated 02.07.2024.

4. In the considered view of this Court, it is not necessary for this Court to go into the *interse* dispute between the petitioner Association and the fourth respondent Municipality. The relief as sought for in this Writ Petition has now become infructuous, since the Police has already closed the complaint given by the petitioner and has directed the parties to work out their remedy before the appropriate forum.

5. The learned counsel appearing for the petitioner submitted that there is already a civil Court decree passed in favour of the petitioner and it was also confirmed in the Second Appeal. If that is so, it is always left open to the petitioner to work out their remedy by executing the decree before the competent Court. If that procedure is resorted to, the Civil Court will be able to go into the actual issue and if required, can also give police protection. The Police cannot be directly involved in a case of this nature without there being any specific direction given to the Police by a competent Court.



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6. Except giving this clarity, no further orders can be passed in this Writ Petition.

7. This Writ Petition is disposed of accordingly. No costs.

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Index : Yes/No

Internet : Yes/No

TSG

To

1. The Superintendent of Police,
Thanjavur District,
Thanjavur.
2. The Deputy Superintendent of Police,
Pattukkottai,
Thanjavur District.
3. The Inspector of Police,
Adirampattinam Police Station,
Adirampattinam, Thanjavur District.
4. The Commissioner,
Adirampattinam Municipality,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH.J.,

TSG

**Order made in
W.P.(MD).No.13544 of 2023**

**Dated :
08.11.2024**