



W.P.(MD)No.18773 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.18773 of 2022

and

W.M.P(MD).Nos.13692 and 13693 of 2022

1.Vivek Sam Sundar Raj
2.Herold Samjith
Represented by their Power Agent
R.Justin Sundar

... Petitioners

Vs.

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Deputy Superintendent of Police,
Colachal Zone,
Kanyakumari District.
- 3.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
- 4.Appu @ Nagarajan



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5.Suyambu

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order dated 09.07.2022 on the file of the third respondent, quash the same and consequently directing the respondents 1 to 3 to afford sufficient police protection to the life and limb of the petitioners and also for their properties in R.S.Nos.125/1, 125/2, 125/4 and 106/17 of Kurunthancode A village, Kalkulam Taluk, Kanyakumari against the respondents 3 and 4 and their men.

For Petitioner	: Mr.C.T.Peruaml
For R1 to R3	: Mr.B.Nambiselvan Additional Public Prosecutor

ORDER

This Writ Petition has been filed challenging the final report dated 09.07.2022 issued by the third respondent and for a consequential direction to the respondents 1 to 3 to afford police protection to the life and limb of the petitioners and their properties in R.S.Nos.125/1, 125/2, 125/4 and 106/17 of Kurunthancode 'A' village, Kalkulam Taluk, Kanyakumari.



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2. The learned counsel appearing for the petitioners submits that the petitioners are brothers and they inherited the subject properties from their parents and since there is a life threat from the private respondents to the life and limb of the petitioners and also to their properties, the petitioners through their power Agent, namely, Justin Sundar, sent a detailed representation to the respondents 1 to 3 requesting police protection to their life and limb and the properties. However, the third respondent has issued the impugned final report dated 09.07.2022 stating that in the power of attorney executed in favour of the said Justin Sundar by the petitioners, there are no details about the survey numbers owned by the petitioners and the patta copy was also not furnished to the subject properties and there is no co-operation on the side of the petitioners and the complaint given by the petitioners was closed. Aggrieved over the same, this Writ Petition has been filed.

3. The learned Additional Public Prosecutor appearing for the respondents Police submits that there is no co-operation on the part of the petitioners and no relevant documents were produced on the side of the



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petitioners before the third respondent Police. Therefore, the third respondent Police has closed the complaint and issued the impugned final report directing the petitioners to approach the Competent civil Court, since the dispute between the parties is purely a civil in nature. Hence, no further orders are required to be passed in this Writ Petition.

4. Recording the submission made by the learned Additional Public Prosecutor appearing for the respondents Police, this Writ Petition is dismissed. However, liberty is granted to the petitioners to work out their remedy in the manner known to law. There shall be no order as to costs. Connected miscellaneous petitions are closed.

09.02.2024

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



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To:

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2. The Deputy Superintendent of Police,
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Kanyakumari District.
3. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J.

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