



W.P.(MD)No.20572 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.20572 of 2022

1.Selvakumar
2.Elavarasan
3.Senthil

... Petitioners

Vs.

1.State of Tamil Nadu,
The Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
Othakadai Police Station,
Othakadai, Madurai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the second respondent to grant 'Police Protection" for the petitioners and their family members as well as for their agricultural properties in S.Nos.15/7, 16/4, 24/9A, 41/11 measuring a total extent of 2.17 acres in Meenakshipuram Bit-I, Madurai East Taluk, Madurai District, on the basis of the Judgment and Decree passed in I.A.No.27 of 2019 in O.S.No.241 of 2018, dated 23.01.2019 on the file of the District Munsif Court, Melur, within the time stipulated by this Court.

For Petitioners : Mr.S.Boominathan

For Respondents : Mr.S.Manikandan
Government Advocate (Crl. side)



W.P.(MD)No.20572 of 2022

ORDER

WEB COPY

The Writ Petition has been filed to direct the second respondent to grant 'Police Protection" for the petitioners and their family members as well as for their agricultural properties in S.Nos.15/7, 16/4, 24/9A, 41/11 measuring to an extent of 2.17 acres in Meenakshipuram Bit-I, Madurai East Taluk, Madurai District, on the basis of the Judgment and Decree passed in I.A.No.27 of 2019 in O.S.No.241 of 2018, dated 23.01.2019 on the file of the District Munsif Court, Melur, within the time stipulated by this Court.

2.The case of the petitioner is that the properties in S.Nos.15/7, 16/4, 24/9A, 41/11 measuring to an extent of 2.17 acres belong to the petitioners' father, namely, Ayyanamuthu. After his demise, the petitioners are enjoying the properties without any hindrance and patta was also granted in favour of the petitioners. However, the petitioners' relative interfered the petitioners' peaceful possession and enjoyment of the said properties. The petitioners' father has already filed a civil suit in O.S.No.278 of 2008 for permanent injunction against the Muthukannan and Satheesh and the said suit was decreed on 13.04.2009. Subsequently, the petitioners also filed a civil suit in O.S.No.241 of 2018 along with I.A.No.1950 of 2018 before the District Munsif Court, Melur and they



W.P.(MD)No.20572 of 2022

obtained interim order. However, again the accused persons interfered with the petitioners peaceful possession. Thereby, the petitioners made a complaint before the second respondent police and the same was registered in Crime No.433 of 2018 for the offences under Sections 447, 427 and 379 of IPC. Now in the present monsoon, once again, the accused persons trespassed into the petitioners' lands on 20.11.2021 and attacked the petitioners' father-in-law. Thereby, the petitioners once again filed a complaint before the second respondent police and the second respondent police has not considered the petitioners' complaint properly. Hence, the present petition is filed.

3.The learned counsel appearing for the petitioners would submit that the issue arises in the present case is no longer *res integra*. The same was considered by this Court in the case of ***Radhika Sri Hari and another Vs. The Commissioner of Police, Coimbatore City, Coimbatore*** reported in **2014 (2) CTC 695**, wherein this Court has observed that under G.O.Ms.No.1580, Home (Pol.VII) Department, dated 24.11.2008, when Police protection is sought for the implementation of a Civil Court Order, it should be given readily. Police should not insist on a specific Court direction to give Police Protection. However, contra to the said Government Order, the respondents refused to give Police protection to the petitioner and it is not sustainable one.



W.P.(MD)No.20572 of 2022

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the State has no serious objection on the submission made by the learned counsel for the petitioner.

5.In view of the above, the second respondents police is directed to give Police protection on the basis of the Judgment and Decree passed in I.A.No.27 of 2019 in O.S.No.241 of 2018, by the learned District Munsif Court, Melur, in terms of G.O.Ms.No.1580, Home (Pol.VII) Department, dated 24.11.2008.

6.Accordingly, the Writ Petition stands disposed of. No costs.

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

12.02.2024

To

- 1.The Superintendent of Police,
Madurai District, Madurai.
- 2.The Inspector of Police,
Othakadai Police Station,
Othakadai, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.(MD)No.20572 of 2022

M.DHANDAPANI, J.

Sji

W.P.(MD)No.20572 of 2022

12.02.2024