



W.P.(MD)No.28705 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

W.P.(MD)No.28705 of 2024

S.Dharmaraj

... Petitioner

Vs.

1. The Superintendent of Police
Trichy District
Trichy
2. The Inspector of Police
Valanadu Police Station
Valanadu, Marungapurai Taluk
Trichy District
3. Thirumalai Maharaja
4. Marimuthu
5. Nithish
6. Ealumalai
7. Ponnammal

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent to give adequate police protection to the life and limb on the basis of the petitioner's compliant dated 18.10.2024 in CSR No.492 of 2024 on the file of the second respondent.

For Petitioner :Mr.P.Mayilvahanarajendran
for Mr.K.Anandraj



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For Respondents :Mr.R.Meenakshi Sundaram
No.1 and 2 Additional Public Prosecutor

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, to direct the second respondent to give adequate police protection to the life and limb on the basis of the petitioner's compliant dated 18.10.2024 in CSR No.492 of 2024 on the file of the second respondent.

2. The petitioner is lessee of the temple property comprised in S.Nos.157/1, 157/3, 158/1 and 158/3 situated at Valanad Kaikatti, Vellayakkonpatti Revenue Village, Marungapuri Taluk, Trichy District. The private respondents caused hindrance to his enjoyment. Therefore, he filed a suit in O.S.No.236 of 2004 for permanent injunction and the same was allowed. The temple authority also filed a suit in O.S.No.148 of 2004 on the file of the District Munsif Court, Manapparai, for declaration and injunction against the panchayat and the same was also allowed. In the said suit, the specific prayer of the temple is that restraining the panchayat or other persons from conducting weekly shandy and collect toll in the suit schedule property. The said decree was confirmed by this Court in S.A.(MD)No.166 of 2024, That being the situation, now the



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private respondents are doing acts endangering the life and limb of the petitioner. Therefore, he made a representation to the second respondent to give the police protection. The second respondent received the representation and gave CSR No.492 of 2024. But, did not give police protection. Therefore, the writ petitioner filed this petition seeking relief of mandamus to give adequate police protection to his life and limb.

3. Since the competent Court granted decree, this Court dispensed with notice to the private respondents.

4. The learned Government Advocate on instructions, submitted that the petitioner got a decree in O.S.No.236 of 2004 and the temple also got a decree in O.S.No.148 of 2004. The petitioner's request is under consideration.

5. The learned counsel for the petitioner submitted that as per the circular issued by the **Home Department in G.O.(3D)No.1580 dated 24.11.2008**, the petitioner is entitled to police protection. He also relied the judgment of this Court reported in **2014 (2) CTC 695 - Radhika Sri Hari and another v. Commissioner of Police**, and he also placed the judgment of this Court passed by the **Hon'ble Thiru.Justice R.MAHADEVAN** (as he then was) in CrI.OP(MD))No. 26068 of 2016.



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6.This Court considered the rival submissions and perused the materials available on record.

7. The said circular of **Home Department in G.O.(3D)No. 1580 dated 24.11.2008**, is as follows:-

"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."

8. This Court judgment reported in **2014 (2) CTC 695 - Radhika Sri Hari and another v. Commissioner of Police**, has held as follows:-

"7. In the aforesaid circumstances, this court considers it appropriate to refer to report of the committee constituted by the Government in G.O.(3D) No.42, Home dated 30.06.2008 towards review of the system of treating complaints relating to money and land matters and to suggest a legally acceptable methodology. The report of such committee touching upon several issues, was accepted by Government. Having done so, under G.O.Ms.No.1580 Home (POL.VII) Department dated 24.11.2008, the Director General of Police was required to circulate the report along with the 14 point guidelines annexed to such Government order to police officers/stations for appropriate



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adherence. 5 Under C.No.43/CRB/CSP/2008 dated 08.12.2008, the Commissioner of Police, Chennai Sub-Urban, has caused communications to all Deputy Commissioners, Assistant Commissioners and Inspector of police for necessary action. Guideline 11 issued by the committee reads as follows:

"11. 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."

8. What is informed above makes clear that the petitioner would be entitled to police protection as prayed for. Criminal original petition is allowed. There will be a direction to respondents to provide police protection to the petitioners for a period of three weeks from the date of receipt of a copy of this order towards enabling them raising fresh barbed wire fences on their property. The same will be at the cost of the petitioner.

9. The same was also considered and reiterated in CrI.OP(MD)No.26068 of 2016.

10. In this case, the petitioner got decree in O.S.No.236 of 2004. The property is a temple property and the petitioner is a lessee and he got decree in O.S.No.236 of 2004. The temple also got a decree in O.S.NO.148 of 2004. In both decrees, there is specific injunction restraining the panchayat and other persons from interfering in the



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possession and using the property as a weekly shandy and collecting toll.

In spite of that, the private respondents are illegally trying to interfere with the possession of the petitioner. Therefore, this Court, by applying the above principles, is inclined to allow the Writ Petition.

11. Accordingly, the Writ Petition stands allowed. The second respondent is directed to give suitable police protection to the petitioner. It is open to the private respondents to file appropriate petition before this Court if they obtain any order from the competent Court.

02.12.2024

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

aav/dss

To

1. The Superintendent of Police
Trichy District
Trichy
2. The Inspector of Police
Valanadu Police Station
Valanadu, Marungapurai Taluk
Trichy District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN,J.

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