



W.P.(MD)No.29338 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.29338 of 2024

S.Arumugasamy

... Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District, Tenkasi.

2.State rep., by
The Inspector of Police,
Crime, Alwarkurichi P.S,
Tenkasi District.

3.Murugan

... Respondents

PRAYER : Petition filed under Article 226 of Constitution of India seeking for Writ of Mandamus to direct the respondents not to disturb his peace-full possession and enjoyments of the property situated in Survey Nos.94/1B4, 94/1B6 and 94/1B7 at north Pappankulam Village, Tenkasi Taluk, Tenkasi DISTRICT (Formerly Ambasamudram Taluk, Tirunelveli District) and given adequate police protection to the petitioner based on his complaint dated 05.11.2024.

For Petitioner
For R1 & R2

: Mr.T.M.Lankaram
: Mr.P.Kottaichamy
Government Advocate (Crl.side)



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ORDER

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The petitioner had sent a representation/complaint on 05.11.2024 to the respondents seeking for protection and not to harass his peaceful enjoyment of the property. In his representation, he admits that there was a civil dispute between the petitioner and the third respondent and the third respondent filed O.S.No.198 of 2017, which was decreed against the petitioner on 20.06.2023. Thereafter, the petitioner had filed an appeal in A.S.No.55 of 2023 before the Subordinate Court, Ambasamuthiram, which has been transferred after bifurcation to the Subordinate Court, Tenkasi, in A.S.No.66 of 2024. This being so, on 28.10.2024, the third respondent lodged complaint against the petitioner. Based on which, the second respondent threatened the petitioner. Since no action has been taken, instead, the second respondent compelled the petitioner to give statement as no action was required regarding the complaint against the third respondent, the present petition has been filed. According to the petitioner, it is the civil dispute, wherein the respondent police have no authority to interfere with the civil dispute. Further, ADGP circular also very clearly stated that the police is not interfering with the civil dispute between the parties.



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2. The learned Government Advocate (crl.side) would submit that on the complaint of the petitioner, the petitioner was called for enquiry on 12.11.2024 and during enquiry, it was submitted by the third respondent that the petitioner is not in possession and enjoyment of the property. Further, the petitioner has not obtained any injunction order. In such circumstances, the petitioner cannot claim any protection. Finding that civil dispute between the petitioner and the third respondent, the respondent police had closed the complaint of the petitioner on 12.11.2024 directing the petitioner to seek relief before the civil Court.

3. Recording the same, this Writ Petition is closed. The petitioner to approach the civil Court to seek appropriate remedy. No costs.

06.12.2024

NCC : Yes / No

Index : Yes / No

Rmk



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M.NIRMAL KUMAR, J.

Rmk

To

- 1.The Superintendent of Police,
Tenkasi District, Tenkasi.
- 2.The Inspector of Police,
Crime, Alwarkurichi P.S,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P.(MD)No.29338 of 2024

Dated: 06.12.2024