



W.P.No.8214 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.8214 of 2025

Rajavenkatesh

... Petitioner

-Vs-

1. The Superintendent of Police,
Salem.
2. The Deputy Superintendent of Police,
Valappady Taluk,
Salem District.
3. The Inspector of Police,
Valappady Police Station,
Salem District.

4. Raji

5. Murugan

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the petitioner's representation dated 10.10.2024 and provide adequate police protection to restore the pipeline in the common cart track as per the order dated 29.09.2015 in I.A.No.615 of 2015 in O.S.No.163 of 2015 passed by the Learned Principal District Munsif, Salem.

For Petitioner

: Mr.L.Mouli

For R1 to R3

: Mr.A.Gopinath

Government Advocate (Crl.side)



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ORDER

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This Writ Petition has been filed for direction directing the respondents 1 to 3 herein to consider the petitioner's representation dated 10.10.2024 and provide adequate police protection to restore the pipeline in the common cart track as per the order dated 29.09.2015 in I.A.No 615 of 2015 in O.S.No.163 of 2015 passed by the Learned Principal District Munsif, Salem.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents 1 to 3 and perused the materials available on record.

3. A perusal of the representation submitted by the petitioner revealed that the petitioner is taking water to irrigate his land comprised in S.F.No.181/1A and laid pipeline between his agricultural land through common cart track and drawing water from S.F.No.426/3 borewell to S.F.No.181/1A for the past several years. While being so, the fifth respondent had interfered with the peaceful possession and enjoyment of the pipeline and as such, the petitioner filed a suit in O.S.No.163 of 2015 as against the respondents 4 and 5 herein and also obtained injunction in I.A.No.303 of 2015. It was also challenged by way of Civil Miscellaneous Appeal in CMA.No.07 of 2015 by



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the respondents 4 and 5 herein, on the file of the I Additional Sub Court, Salem

and the same was also dismissed. Even then, the petitioner was unable to restore the pipeline, since the respondents 4 and 5 are disturbing the enjoyment of the pipeline.

4. In view of the above, it is a clear case of contempt and as such, the petitioner ought to have approached the Civil Court for contempt of the order passed by the Trial Court. Therefore, the direction sought for in this petition cannot be granted and the writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, this writ petition is dismissed. No costs.

10.03.2025

Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

mn

G.K.ILANTHIRAIYAN. J.

mn



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To

1. The Principal District Munsif, Salem.
2. The Superintendent of Police,
Salem.
3. The Deputy Superintendent of Police,
Valappady Taluk,
Salem District.
4. The Inspector of Police,
Valappady Police Station,
Salem District.
5. The Public Prosecutor,
High Court, Madras.

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