



W.P(MD)No.7172 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.7172 of 2025

Subbaiah

... Petitioner

Vs.

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

2.The Inspector of Police,
Annavaasal Police Station,
Pudukkottai District.

3.Rengasamy

4.Murugan

5.Sakthi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct second respondent to provide adequate police protection to the petitioner and his family members in the light of petitioner's representation, dated 19.11.2024 and pass such further or other orders as this Court.



W.P(MD)No.7172 of 2025

WEB COPY

For Petitioner : Mr.S.Prabhu

For R-1 & R-2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The present petition has been filed for issuance of Writ of Mandamus directing the second respondent to provide adequate police protection to the petitioner and his family members in the light of petitioner's representation, dated 19.11.2024.

2. According to the petitioner, the petitioner is the owner of the property in S.No.108/23 to an extent of 50 cents situated at Visaloor Village, Illuppur Taluk, Pudukkottai District. The respondents 3 to 5 are adjacent owners claiming pathway over the property causing disturbance to the petitioner and also they have a separate pathway to access their lands. In the meantime, the petitioner along with family members tried to put up fence in the property but the respondents 3 to 5 made threats with deadly weapons. Immediately, the petitioner lodged a complaint as against the respondents 3 to 5 and CSR No.826 of 2024 was assigned



W.P(MD)No.7172 of 2025

WEB COPY

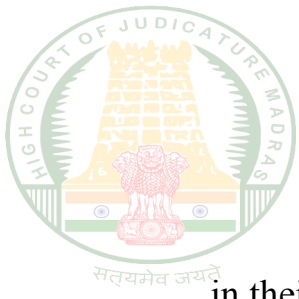
and thereafter, no steps were taken. Therefore, the petitioner sent a representation, dated 19.11.2024 but the same has not been considered.

Hence, the petitioner filed this petition.

3. The learned Additional Public Prosecutor appearing for the official respondents would submit that based on the complaint given by the petitioner, they conducted enquiry and closed the same, since it is pertinent to pathway dispute. Therefore, nothing survives for further adjudication in the present case.

4. Considering the limited scope of prayer sought for in this petition, this Court even without issuing notice to the private respondents inclined to dispose of this petition.

5. According to the petitioner, he sent a representation to the second respondent for police protection to the property but the second respondent already closed the petition after enquiry on 25.12.2024. It is well settled law that as far as the disputed properties are concerned, police protection cannot be given unless parties have executable decree



W.P(MD)No.7172 of 2025

WEB COPY

in their favour. In this case, according to the petitioner, the respondents 3 to 5 causing disturbance to create fence over the property. While so, it is for the petitioner to approach the civil Court for seeking appropriate remedy. However, if the parties indulged in any criminal activities, then they can approach the second respondent with the specific complaint in accordance with law.

6. With the above said observations, this writ petition stands disposed of. There shall be no order as to costs.

18.03.2025

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

To

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

2.The Inspector of Police,
Annavaasal Police Station,
Pudukkottai District.



WEB COPY



W.P(MD)No.7172 of 2025

P.DHANABAL, J.

BTR

W.P(MD)No.7172 of 2025

18.03.2025