

(2012) 02 MAD CK 0087

In the Madras High Court

Case No : Writ Petition No.: 17876 of 2011

D.B. Krishna 144, Bharathiyar Road Pappanaickenpalayam
Coimbatore - 641037

APPELLANT

Vs

The Commissioner of Police Coimbatore District, The
Inspector of Police B-9, Police Station Saravanampatti
Coimbatore and R.K. Mani D. No: 98, N.G. Narayanasamy
Naidu Street New Siddhapudur Coimbatore - 48

RESPONDENT

Date of Decision : 08-02-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 02 MAD CK 0087

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : D. Ashok Kumar, for the Appellant; R. Ravichandran, A.G.P. for Respondents 1 and 2 and Mr. G. Vivekanandan for 3rd Respondent, for the Respondent

Final Decision : Dismissed

Judgement

Vinod K. Sharma

1. The petitioner has approached this Court for issuance of a writ in the nature of mandamus, directing the respondents to provide police

protection to enable the petitioner to raise a compound wall around his property. It is submitted by the petitioner that there was a threat to the

peaceful possession of the petitioner, which forced him to file a original suit vide O.S. No: 1872 of 2007 for a permanent injunction restraining the

defendant therein from interfering with the peaceful possession of the property.

2. The Civil Court granted an interim injunction in favour of the petitioner which is still in force. It is the case of the petitioner that the defendant in

the suit failed to appear and the ex parte order of injunction has been made absolute.

3. Thereafter, one R.K. Mani filed a civil suit against the petitioner seeking an injunction, but no interim injunction was granted in favour of R.K.

Mani or against the petitioner.

4. The case of the petitioner is that inspite of the injunction order Shri. R.K. Mani and persons claiming right under him are trying to interfere with

the possession of the petitioner, which has forced the petitioner to approach this Court for grant of police protection to put up a compound wall.

5. The averments made in the affidavit itself show that this writ petition is totally misconceived and is nothing but misuse of the process of this

Court.

6. The petitioner has an interim order of injunction in his favour therefore he has a remedy to enforce this injunction by due process of law.

7. The order of temporary injunction does not give right to the petitioner to come to this Court in exercise of writ jurisdiction under Article 226 of

the Constitution of India to enforce the temporary injunction granted by the Civil Court. The writ petition is accordingly dismissed with cost which

is assessed at Rs. 10,000/-(Rupees ten thousand only).