

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

W.P.No.8895 of 2015

Mohanlal Kankaria

... Petitioner

Versus

1.State Represented by
The Deputy Superintendent of Police,
Ranipet Town,
Vellore District.

2. The Inspector of Police,
D1 Police Station, Ranipet,
Gandhi Road, Walaja Taluk,
Vellore District - 632 401.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus, to call for the records of the second respondent's impugned order CSR No.123 of 2015 on 19.03.2015 on petitioner's criminal complaint dated 12.03.2015 and direct the second respondent to provide police protection to the petitioner to put fence around the petitioner's immovable property situated at No.24, Thandalam Village, Wallaja Taluk comprised in Survey No.181/5, 0.51 acres and Survey No.182/4, 0.35 acres, in all 0.86 acres with well, situated within the registration district of Vellore, Sub Registration District of Wallajapet.

For Petitioner : Mr.K.V.Bhasyam Chari

For Respondents: Mr.P.Sanjay Gandhi,
Additional Government Pleader

O R D E R

The petitioner has come forward for police protection stating that originally the property has been purchased by one Govindraj Gounder and he entered into a sale agreement with the petitioner. Since he has not executed the sale deed, the petitioner filed a suit in O.S.No.137 of 1987 for specific

performance and a decree has been passed. He got the sale deed executed by the Court of Law in E.P.No.39 of 1990 on the file of the Additional Sub Court, Vellore. Subsequently, the case has been transferred to Sub Court, Ranipet and the possession has been taken by the petitioner on 17.11.1992 and it has been recorded that he is in possession and enjoyment of the property.

2. Now, the legal heirs of Govindaraj Gounder attempted to interfere with the peaceful possession of enjoyment of his property. Hence he wants police protection to fence his immovable property situated at No.24, Thandalam Village, Wallaja Taluk, comprised in Survey No.181/5, 0.51 acres and Survey No.182/4, 0.35 acres, in all 0.86 acres and prayed for an order.

3. The learned counsel for the petitioner submitted that he has given a representation dated 12.03.2015, but the second respondent has neither provided police protection nor passed any order.

4. The learned Additional Government Pleader has filed a counter and in paragraph 5 it has been stated as follows :

"It is further submitted that the respondent police is always ready to give police protection to erect a suitable fence around the said property to prevent the law and order problem as if the petitioner made a submit complaint before the station, as per law."

5. Considering the rival submissions and on perusal of typed set of papers, it is admitted that petitioner is the owner of the property and he is in possession of the same. Hence, the second respondent is directed to consider the representation of the petitioner dated 12.03.2015 and pass an appropriate order for providing police protection for putting up fence in the petition mentioned property.

6. The Writ Petition is disposed of with the above direction.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vrc

To

1. The Deputy Superintendent of Police,
Ranipet Town,
Vellore District.

2. The Inspector of Police,
D1 Police Station, Ranipet,
Gandhi Road, Walaja Taluk,
Vellore District - 632 401.

+1 cc to Government Pleader High Court Madras
sr.6905

+2 ccs to Mr.K.V.Bhashyam Chari Advocate sr.6642

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