

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 12.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.27995 of 2018
and
M.P.No.32565 of 2018

M/s.Mangalore Ganesh Beedi Works,
A Partnership Firm Represented by its Power Agent,
Mr.D.Somappa Chetty,
No.116/16, 3rd Main Road,
Ganga Nagar, R.T.Nagar Post,
Bangalore-560 032.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Home Secretary,
Fort St.George,
Chennai-600 009.

2. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

3. The Deputy Superintendent of Police,
Krishnagiri,
Krishnagiri District.

4. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

... Respondents

For Petitioner : Mr.V.Chandrakanthan

For respondents : MrMohamed Riyaz
Additional Public Prosecutor

Prayer:

Writ Petition filed under Section 226 of Constitution of India praying to issue a writ of Mandamus, directing the respondents to give protection to the petitioner and his property in an extent of 56.5 cents comprised in S.No.417A/2A1, Boganapalli Village, Krishnagiri Taluk, Krishnagiri District.

ORDER

This petition has been filed seeking for a direction to the respondent police to give protection to the petitioner and his property at oganapalli Village, Krishnagiri Taluk, Krishnagiri District.

2. The nature of dispute that has been projected by the leaned counsel for the petitioner, would clearly establish the fact that there is a dispute with regard to the title over the property. The respondent police cannot be permitted to interfere in a dispute of this nature, since, the police are incapable of finding out the actual owner of the property.

3. This Court cannot order police protection as a matter of routine. This Court has to be satisfied that already title over the property has been settled before the competent Civil Court and there is an attempt to cause disruption for enjoyment of the property. This Court is not furnished with such kind of information in this case. No party has approached the Civil Court till date and each party is claiming title and right over the property. Therefore, in the fitness of things, it will be better for the police to lay off their hands in cases of the nature. In fact, the police should not interfere in a dispute of this nature.

4. Hence, this writ petition is dismissed, by giving liberty to the petitioner to workout his remedy before the competent civil court, against the persons, who are attempting to interfere with the title, possession and enjoyment of the property of the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dss/nmm

To

1. The Home Secretary,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The Superintendent of Police,
Krishnagiri, Krishnagiri District.

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3. The Deputy Superintendent of Police,
Krishnagiri, Krishnagiri District.

4. The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

+1cc to Mr.V.Chandrakanthan, Advocate, S.R.No.77903

W.P.No.27995 of 2018

SS (CO)
CS/07/12/18



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