

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.04.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
W.P.No.4497 of 2019

Sampoornam

...Petitioner

-Vs-

1. The Deputy Superintendent of Police,
Thiruchengode, Namakkal District.
2. The Inspector of Police,
Thiruchengode Town Police Station,
Thiruchengode, Namakkal District.
3. Veeramani Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 herein to offer police protection to the petitioner for peaceful possession and enjoyment of the petitioner's property situated at Kumaramangalam Village comprised in S.No.251/2 measuring an extent of 3913 sqft., in the light of the judgment and decree dated 06.12.2012 passed in O.S.No.60 of 2012 on the filed of District Munsif Court at Tiruchengode.

For Petitioner : M/s.T.L.Thirumalaisamy
For Respondents 1 & 2 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
For Respondent-3 : Mr.C.Paraneedharan

सत्यमेव जयते
ORDER

This writ petition has been filed by the writ petitioner seeking a direction directing the respondents 1 and 2 herein to offer police protection to the petitioner for peaceful possession and enjoyment of the petitioner's property situated at Kumaramangalam Village comprised in S.No.251/2 measuring an extent of 3913 sqft., in the light of the judgment and decree dated 06.12.2012 passed in O.S.No.60 of 2012 on the filed of District Munsif Court at Tiruchengode.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondents

1 and 2 and the learned counsel for the third respondent and perused the materials available on record.

3. The learned counsel appearing for the petitioner submitted that the property in Survey No.13 measuring an extent of 2100sqft., situated at Kumaramangalam Village is a poramboke land and the same was occupied by the petitioner's husband Thangavel. In 1994, the adjacent land owner P.Chandran along with his wife sold the said property to the petitioner's husband under registered sale deed Doc.No2293 of 1994 on the file of Sub Registrar, Thiruchengode. Subsequently, in the year 1995, the S.No.13 is altered as S.No.251 and the petitioner's property is sub divided as S.No.251/2. Thereafter, the Panchayat President of Mandakapalayam due to enmity, had forcibly entered into the petitioner's land and hence the petitioner's husband filed a suit in O.S.No.60 of 2012 on the file of the learned District Munsif Court, Thiruchengode against the District Collector, Namakkal, The Block Development Officer, Elachipalayam and the defendants therein failed to contest the suit and ultimately the suit was decreed exparte. Immediately, the petitioner's husband gave a complaint to the 2nd respondent.

4. The learned Additional Public Prosecutor submitted that the suit is pending for decree in O.S.No.60 of 2012 on the file of the learned District Munsif Court, Thiruchengode and she got decreed.

5. Considering the facts and circumstances of the case, the respondent police are directed to consider the petitioner's representation dated 29.09.2018 and conduct an enquiry after giving an opportunity to the petitioner of personal hearing and pass appropriate orders, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msm

To

1. The Deputy Superintendent of Police,
Thiruchengode, Namakkal District.
2. The Inspector of Police,
Thiruchengode Town Police Station,
Thiruchengode, Namakkal District.
3. The Public Prosecutor, High Court, Madras.

+1cc to M/s.T.L.Thirumalaisamy, Advocate sr.31859

+1cc to Mr.C.Paraneedharan, Advocate sr.no.32349

W.P.No.4497 of 2019

na(co)
nr 13/05/2019



WEB COPY