

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1030 of 2021

Ponnammal

... Petitioner

Vs.

1. The Superintendent of Police,
Namakkal District.

2. The Inspector of Police,
Pallipalayam Police Station,
Tiruchengode,
Namakkal District.

3. Ramakrishnan

... Respondents

Prayer: This Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to give police protection based on the representation dated 04.01.2021 and permit the petitioner to cut/harvest the sugarcane cultivated in S.No.172/1E on extend of 0.79 Hectare and S.No.5 on the extend of 1.96 Hectare situated at Kokkarayanpettai Village, Pallipalayam Taluk, Namakkal District.

For Petitioner : Mr.R.R.Manikandan

For Respondents : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The learned Additional Public Prosecutor takes notice for respondents 1 and 2.

2. This Writ Petition has been filed seeking for the issue of a Writ of Mandamus directing the respondent Police to grant Police Protection to the petitioner in order enable the petitioner to harvest the sugarcane and remove the produce through the disputed pathway.

3. It is seen from records that the petitioner is the owner of the property in S.No.172/1A and S.No.5 at Kokkarayanpettai Village. The specific case of the petitioner is that the subject property is an agricultural land and he is cultivating sugarcane in the said property. The petitioner instituted a suit in O.S.No.254 of 2020 against the 3rd respondent claiming for the relief of permanent injunction. In the said suit, I.A.No.2 of 2020 was filed by the petitioner to restrain the 3rd respondent

from preventing the petitioner to use the cart track which is the disputed property situated in S.No.176/1A2. The petition was decided after hearing both the parties and the District Munsif Court, Kumarapalayam allowed the petition and granted an injunction in favour of the petitioner.

4. The grievance of the petitioner is that inspite of an order of injunction granted in her favour, the third respondent is threatening and preventing the petitioner from using the cart track. The petitioner gave a complaint to the respondent Police in this regard seeking for police protection on 04.01.2021. Since the same was not acted upon, the present writ petition has been filed before this Court.

5. Heard Mr.B.S.Manikandan, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for respondents 1 & 2.

6. It is seen from records that the petitioner had earlier approached this Court and sought for police protection to remove the agricultural produce through the cart track and this Court also directed the police to give protection in Crl.OP.No.21438 of 2018 by an order dated 11.10.2018. Thereafter, the petitioner also got an order of interim injunction against the 3rd respondent. Inspite of such an interim injunction granted in favour of the petitioner, it is alleged that the third respondent is causing threat and preventing the petitioner from using the cart track.

7. In view of the above, there shall be a direction to the second respondent to call the parties for an enquiry and instruct the third respondent not to cause any threat to the petitioner and prevent her from using the cart track. If inspite of such instruction being given, the third respondent continuous to cause threat to the petitioner, action shall be taken against him in accordance with law. The third respondent can only work out his remedy in the manner known to law and he cannot take law into his own hands. If necessary, police protection shall also be given to the petitioner to enable her to use the cart track to remove the agricultural produce.

8. The petitioner is directed to make a fresh representation to the second respondent along with a copy of this order.

9. This Writ Petition is disposed of with the above directions. No costs.

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Sd/-

Assistant Registrar

//True Copy//

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To

Sub Assistant Registrar

1. The Superintendent of Police,
Namakkal District.

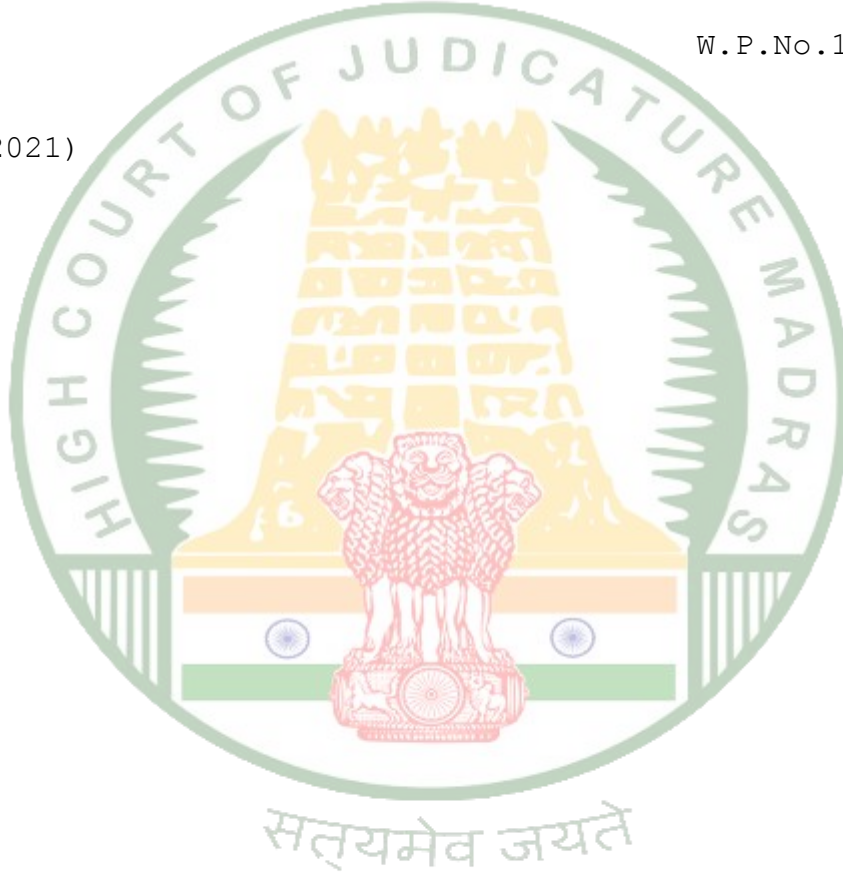
2. The Inspector of Police,
Pallipalayam Police Station,
Tiruchengode,
Namakkal District.

3. The Public Prosecutor
High Court of Madras
Chennai - 600 104.

+lcc to Mr.B.S.Manikandan, Advocate, S.R.No.2939

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