

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1603 of 2021

K.Jayakumar

... Petitioner

Vs.

The Inspector of Police,
Alangiam Police Station,
Alangiam,
Tirupur District.

... Respondent

Prayer: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to give police protection to the petitioner to enter into his property viz., land measuring 9 acres and 13 cents comprised in Re S.No.49, 3 Acres and 1 cent comprised in Re S.No.443/2 and 6 cents comprised in Re S.No.443/1 (totally measuring 12 acres and 20 cents comprised in old S.No.449) of Selampalayam Village, Dharapuram Taluk, Tirupur District and cultivate the same peacefully.

For Petitioner : Mr.Ilayaperumal

For Mr.M.Prabhakaran

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent Police to act upon the complaint given by the petitioner on 03.01.2021, wherein the petitioner has sought for police protection to the petitioner and his property.

2. It is seen from records that the subject property became a subject matter of proceedings before the Debts Recovery Tribunal and the said property was brought for auction sale and a sale certificate was issued in favour of the vendor of the petitioner on 01.02.2018.

3. Even on an earlier occasion, the original owners of the property were interfering with the taking of possession of the property by the Advocate Commissioner appointed by the Court

below and an order was passed by this Court in W.P.No.1849 of 2019, dated 23.01.2019 directing the police to provide police protection to the Advocate Commissioner. Thereafter, the property was taken possession by the auction purchaser.

4. This property was sold in favour of the petitioner and two others by registered sale deed dated 04.09.2019. Necessary entries were also made in the revenue records.

5. The original owners of the property continued to trespass into the property and exert threat and hence, a complaint was given before the respondent and an FIR came to be registered in Crime No.1153 of 2020 on 30.12.2020 for offences under Section 447, 341, 294(b) and 506(ii) of IPC.

6. The further grievance of the petitioner is that inspite of the registration of the FIR, the original owners of the property continue to cause threat to the petitioner and are attempting to trespass into the property. When this was brought to the notice of the respondent police, no action was taken and left with no other alternative, the present writ petition has been filed before this Court.

7. Heard Mr. Ilayaperumal, learned counsel for the petitioner and Mr. M. Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the respondent.

8. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has become the absolute owner of the subject property and already an FIR is pending against the accused persons, there shall be a direction to the respondent to immediately take action against the accused persons and ensure that they do not continue to commit further crimes. If necessary, Police protection shall also be granted to the petitioner. The petitioner is directed to make a fresh representation to the respondent along with all the relevant documents and also a copy of this order.

7. This Writ Petition is disposed of with the above directions.

Sd/-
Asst. Registrar (CS VII)

/true copy/

Sub Asst. Registrar

rli

To

1. The Inspector of Police,
Alangiam Police Station,
Alangiam,
Tirupur District.

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

+1 cc to Mr.M.Prabakaran Advocate sr 4291

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