

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 09.03.2021
CORAM :
THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA
W.P.No.4736 of 2021

1.K.Subramanian,
S/o.Kandhasamy

2.A.S.Pradeep,
S/o.K.Subramanian

...Petitioners

Vs.

1.The Superintendent of Police,
Tiruppur District.

2.The Deputy Superintendent of Police
Palladam Taluk,
Tiruppur District.

3.The Inspector of Police,
Palladam Police Station,
Thiruppur District.

4.P.Sivakumar,
S/o.Late Palanisamy

5.Gandhimathy,
W/o.P.Sivakumar

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Mandamus directing the 3rd respondent to provide adequate police protection to the petitioners for putting up fence on the north side portion of petitioners' land in Survey Nos.54/2, 267/1 and 267/2 for a total extent of 8.79 acres, Vadukapalayam Village, Palladam Taluk, Tiruppur District by considering the complaint dated 22.07.2020.

For Petitioners : Mr.T.Mohan
For Mr.M.Murali

For R1to R3 : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

O R D E R

Writ petition has been filed by the petitioners seeking to issue a Writ of Mandamus directing the the 3rd respondent to provide adequate police protection to the petitioners for putting up fence on the north side portion of petitioners' land in Survey Nos.54/2, 267/1 and 267/2 for a total extent of 8.79 acres, Vadulapalayam Village, Palladam Taluk, Tiruppur District by considering the complaint dated 22.07.2020.

2.When the matter is taken up today for hearing, learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that the petitioners have earlier approached this Court by filing a petition in Crl.O.P.No.28807 of 2019 seeking for a similar relief, based on the representation dated 12.10.2019 and this Court taking into consideration that a civil suit is pending between the parties before the Principal District Court, Tiruppur in O.S.No.32 of 2019, had directed the petitioner to work out his remedy before the concerned Civil Court. Whiles, the petitioner has once again come up before this Court with the very same prayer.

3.At this juncture, learned counsel appearing for the petitioners would submit that in respect of the dispute between the parties, the 5th respondent had earlier filed W.P.No.7469 of 2019 and this Court by order dated 13.06.2019 in W.M.P.No.8125 of 2019 directed conducting of survey by a Government Surveyor under the supervision of the Tahsildar, Palladam and had also deputed a Government Advocate to be an observer during the survey. He would further submit that survey was conducted on 05.07.2019 and thereafter, the Tahsildar had filed an affidavit stating that the properties in Survey Nos.54/2, 267/1 in Vadukapalayam Village, Palladam Taluk, Tiruppur District has to be owned by the petitioners. He would further submit that the 5th respondent has also moved two interim applications in I.A.Nos.1 & 2 of 2019 in O.S.No.32 of 2019 which is now transferred and pending on the file of the learned II Additional District Judge, Tiruppur. He would further submit that it would be suffice that a direction is issued to the concerned Judge to dispose of the petitions in I.A.Nos.1 & 2 of 2019 in O.S.No.32 of 2019 within a specified period and based on the outcome of the decision in I.A.Nos.1 & 2 of 2019, suitable action may be taken by the respondent police.

4.In view of the above, a direction is issued to the learned II Additional District Judge, Tiruppur, to dispose of I.A.Nos.1 & 2 of 2019 in O.S.No.32 of 2019 as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order and thereafter, the petitioner

is at liberty to work out his remedy in the manner known to law.

5. With the above directions, this Writ Petition is disposed of.

Sd/-
Assistant Registrar

/true copy/
Sub Asst. Registrar

ssi

To

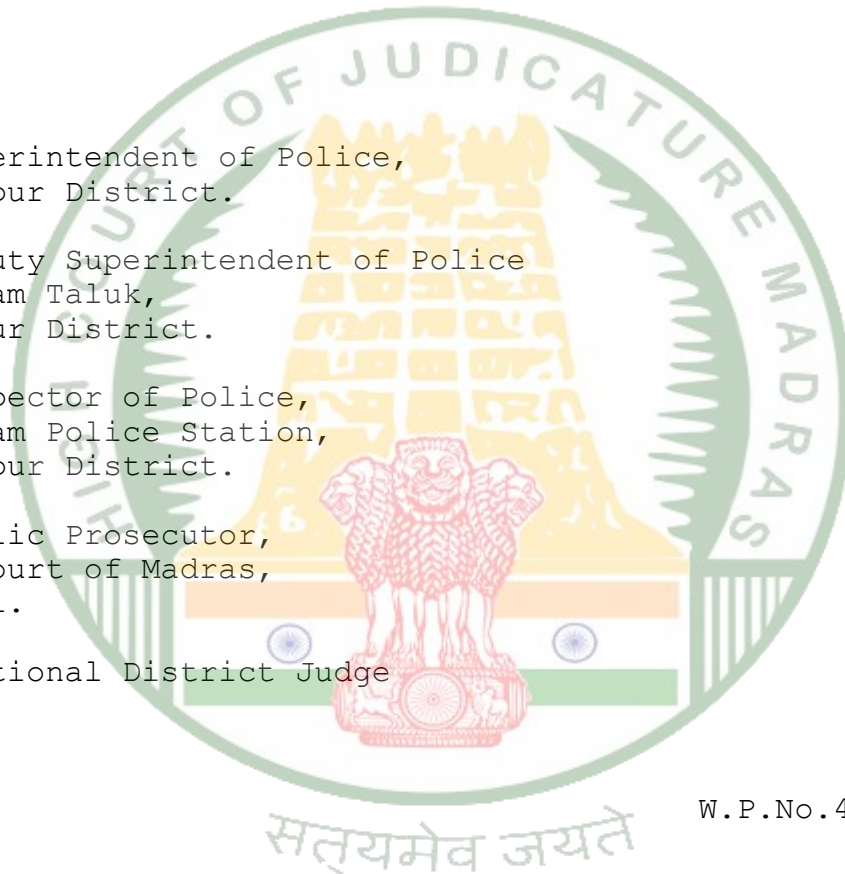
1. The Superintendent of Police,
Tiruppur District.

2. The Deputy Superintendent of Police
Palladam Taluk,
Tiruppur District.

3. The Inspector of Police,
Palladam Police Station,
Tiruppur District.

4. The Public Prosecutor,
High Court of Madras,
Chennai.

5. II Additional District Judge
Tiruppur



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