

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.10276 OF 2021

R.K.Suresh

... Petitioner

Versus

1. The Sub-Inspector of Police
Pagandaikuttusalai Police Staion
Villupuram District.

2. The Superintendent of Police
Kallakurichi District.

3. Selvaraj

... Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to take immediate action against the trespassers and direct the first and second respondents to provide immediate police protection to the petitioner and enable the petitioner to enter into the petitioner's properties viz., agricultural lands comprised in S.Nos.64/4E, 62/10, 62/11, 62/12, 65/8, 69/2A, 62/8, 62/9, 62/13 and 64/4 totally measuring an extent of 2 Acres 57 cents situated at Yaal Village, Sankarapuram Taluk, Kallakurichi District.

For Petitioner : Mr.M.John Kennady

For Respondents: Mr.A.Damodharan for R1 & R2
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the first and second respondents to take immediate action against the trespassers and direct them to provide police protection to the petitioner and enable the petitioner to enter into his properties viz., agricultural lands comprised in S.Nos.64/4E, 62/10, 62/11, 62/12, 65/8, 69/2A, 62/8, 62/9, 62/13 and 64/4 totally measuring an extent of 2 Acres 57 cents situated at Yaal Village, Sankarapuram Taluk, Kallakurichi District.

2. The petitioner had sent a representation to the respondent on 23.01.2021 to give police protection. It is seen that the petitioner had filed a specific performance suit in O.S.No.142 of 2012 against the Tamilarasan, which suit ended in favour of the petitioner, the petitioner had filed an Execution Petition and obtained the order in his favour. Against which, Tamilarasan, had filed a suit in O.S.No.352 of 2018 before the Principal Sub-Court, Kallakurichi and the same was dismissed. Now, the said Tamilarasan illegally entered into his lands along with ladies belonging to the Village, who belong to SC community. When the petitioner entered into his property, the said Tamilarasan threatened him through third respondent that he will file a case against him under SC/ST Act.

3. When the matter came up for hearing on 23.04.2021, this Court directed the petitioner to produce the proceedings of the Executing Court. In continuation of the order passed by this Court on 23.04.2021, the petitioner has produced the Executing Court order, bailiff handing over the property, copy of the bailiff warrant of the Execution Petition and the bailiff returning the warrant after execution. From the above, it is seen that the petitioner followed, due process of law and taken possession of the property. Now, some unwarranted elements are attempting to encroach upon the petitioner's property and possession and enjoyment of the property. Further threatening the petitioner of being implicated in case under SC & ST Act.

4. In view of the same, the respondent Police is directed to give necessary protection to the petitioner. Further, the respondent Police shall take precaution, otherwise the encroacher might take advantage of the provisions of SC/ST Act and attempt to nullify the Civil Court's order. The respondent Police should precaution in this regard so that no false allegations are made.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Sub-Inspector of Police
Pagandaikuttusalai Police Staion
Villupuram District.
2. The Superintendent of Police
Kallakurichi District.
3. The Public Prosecutor
High Court of Madras.

+1cc to Mr.M.John Kennady, Advocate, S.R.No.30101

W.P.No.10276 of 2021

GPL(CO)
CS/01/07/2021



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