



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.19681 of 2021

Revathy,
W/o Sekar,
8/A Kanniamman Koil Street,
Walajabad Town,
Kanchipuram.

... Petitioner

Versus

1. The Superintendent of Police,
Kanchipuram District,
Kanchipuram.

2. The Inspector of Police,
Magaral Police Station,
Kanchipuram District.

3. Karunamoorthy,
S/o Dhanial

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondent No.1 to consider the representation dated 19.07.2021 and provide necessary police protection to the petitioner and his property situated at Survey No.496/1B-12, admeasuring 1 acre 74 cent in Thammanur Village, Kanchipuram.

For Petitioner : Mr.A.Ashwin Kumar

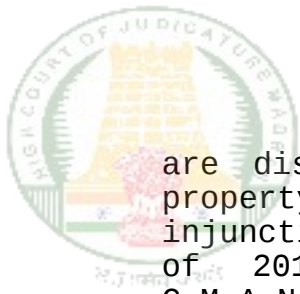
For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor
for R1 and R2

ORDER

(This case has been heard through video conference)

The petitioner has sent a representation on 19.07.2021 to the Superintendent of Police, Kanchipuram.

2. From the submissions and from the representation, it is seen that 1. Karunamoorthy, 2. Karpagam, 3. Saravanan, 4. Kaleel of Ambedkar Street, Avaloor Village, Walajabad District



are disturbing the peaceful possession and enjoyment of the property and there was a civil suit in O.S.No.191 of 2016 and an injunction was granted in favour of the petitioner in 1.A.No.594 of 2016. Thereafter, the counter petitioner had filed C.M.A.No.11 of 2017, which came to be dismissed on 06.08.2019. Hence, the Civil Court has confirmed the rightful possession and enjoyment of the petitioner. The petitioner holds more than 5 Acres of land, of which 35 cents, there was a partition dispute, of which the counter petitioner entitled only for 1/7th i.e. 35 cents, of which they are entitled only 5 cents. But, for the entire cents, they are disturbing the peaceful possession and enjoyment and they have also produced documents in support of his contentions.

3. Heard the submissions of learned counsel appearing for petitioner and respondents 1 and 2 and perused the records.

4. Considering the same, this Court directs the 2nd respondent to consider the representation of the petitioner along with the materials produced, to summon the 3rd respondent, thereafter, take appropriate steps to restrain the illegal encroachment and disturbance caused by the counter petitioners.

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

Sd/-
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

rpp/rap

To

1.The Superintendent of Police,
Kanchipuram District,
Kanchipuram.

2. The Inspector of Police,
Magaral Police Station,
Kanchipuram District.

3. The Public Prosecutor,
High Court, Madras.

+1CC to Mr.A.Ashwin Kumar, Advocate, SR.No.47963

W.P.No.19681 of 2021

PPA(CO)
B.VC (28/09/2021)