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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.19252 OF 2018

Ammani Ammal
W/o Late Kailasa Gounder

.. Petitioner

Vs

1. The State Rep by
Inspector of Police,
Arumbavoor Police Station,
Arumbavoor,
Perambalur District.

2. Manikandan

3. Dhanakodi

4. Indira

.. Respondents

Prayer: This writ Petition filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the 1st respondent police to provide police protection to transport petitioners agricultural produce using the common pathway running through the lands in S.No.271/3, Kottarakundru Village, Malayalapatti Post, Veppanthanttai Taluk, Perambalur District.

For Petitioner : Mr.A.S.Balaji

For Respondent-1 : Mrs.A.Gopinath
Government Advocate (Crl Side)

For Respondents 2 to 4: Mr.C.Prabakaran

O R D E R

The case of the prosecution is that the petitioner is the owner of lands comprised in Malayalapatti Village comprised in S.No.265/4B and 266/2. The pathway to the lands passes through the lands in S.No.271/2 and 271/3 which are dry lands. The



common path way is not only used by the petitioner, but it is also used by students and staff of Panchayat school and a temple situated near by. There is no other path to approach the petitioner's lands, panchayat school and the temple. The common path way is being used for the past 25 years. The agricultural produce is transported by way of tractor and lorry by using the common pathway running through the lands in S.No.271/2 and 271/3.

2. The above said lands were assigned to one person under Ad condition, the said person in violation of the Ad condition, sold the land to one Smt.Devayi Ammal, who in turn sold the lands to one Manickam by sale deed dated 29.03.2001.. Thereafter the respondents 2 to 4 who are the family members of the said Manickam are causing hindrance to the petitioner and preventing him from transporting the agricultural produce through the common path way. Therefore the petitioner lodged a complaint before the first respondent police and C.S.R.No. was also issued to him and he has filed a civil suit in O.S.No.126 of 2017 before the learned District Munsif Perambalur and the same is pending. However, no action was taken against the officials concerned till date, which leads to filing of the present petition.

3. The learned counsel for the petitioner submits that this Court may issue a direction to the first respondent to consider the petitioner's representation dated 19.04.2018 and pass orders to which the learned Government Advocate has no objection.

4. The facts of the case is not in dispute. Admittedly the petitioner's claim is that there should be no hindrance for using the common path way. Hence, he sought for providing police protection to transport his agricultural products. But the fact remains that a civil suit is pending adjudication is that being the case the petitioner has to get his grievance redressed before the concerned forum.

5. In view of the above, the prayer sought for by the petitioner cannot be granted at this stage. Hence ,this writ petition is disposed of. However the petitioner is at liberty to work out the remedy before the District Munsif Perambalur in O.S.No.126 of 2017.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

smn



To

1. Inspector of Police,
Arumbavoor Police Station,
Arumbavoor, Perambalur District.

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Copy To

The District Munsif,
Perambalur.

W.P.No.19252 of 2018

PCH(CO)
CS/13/08/2021