



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.925 of 2022

M/s.VGN Homes Private Limited,
Rep by its Authorised Signatory,
Mr.D.S.Sekar,
Having office at No.333, Poonamalee High Road,
Aminjakarai,
Chennai - 600 029.

...Petitioner

Versus

1. The State Rep by,
The Sub Inspector of Police,
SRMC Police Station,
Chennai.

2.Ms.S.Amsa

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent police to give protection to the petitioner, or his agents, or his men to construct the compound wall in their property particularly in respect of the property of 1608 sq.ft., or 3 ½ cent of land in Survey Number.81/1A and 81/1B, which extent of property was conveyed to and possession being handed over to the petitioner vide E.P. proceedings in E.P.No.123 of 2019 on the file of 2nd Additional District Judge at Poonamallee Court, which property is situated at the entrance of the larger extent of the petitioner's property, situated at Srinivasapuram Village, formerly with Sriperumbudur Taluk, presently with the Pallavaram Taluk, Kancheepuram District.

For Petitioner : Mr.J.Suresh

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the 1st respondent police to give protection to the petitioner, to construct the compound wall in their property particularly in respect of the property of 1608 sq.ft.,



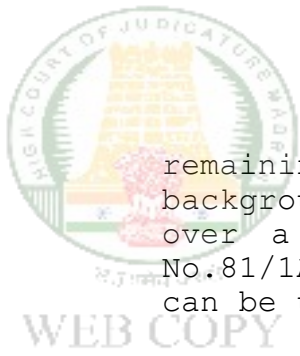
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or 3½ cent of land in Survey Number.81/1A and 81/1B, which extent of property was conveyed to and possession being handed over to the petitioner vide E.P. proceedings in E.P.No.123 of 2019 on the file of 2nd Additional District Judge at Poonamallee Court.

2.The Managing Director of petitioner company had entered into a sale agreement for purchase of lands with one Janobai and others, in respect to property of extent of 10 Acres and 88 Cents comprised in Survey Nos.65/17, 68/2, 79/1, 79/2, 79/3, 79/4A, 79/4B, 81/1, 81/2, 82/1, 82/2, 84, 85, 86, 97/1, 98/1, 98/2, 99/1, 99/2, 99/4, 99/5, 100/1, 123, situated at Srinivasapuram village, formerly with Sriperumbudur Taluk, presently with the Pallavaram Taluk, Kancheepuram District. The vendors have failed to execute sale deed in spite of repeated demands. Thereafter, a Civil Suit in O.S. No.222 of 2004 was filed before the Additional District Judge, (Fast Track No.III, Poonamallee) by the Managing Director of petitioner company. After contest, the case ended in favour of the petitioner company. Thereafter, the vendors preferred an appeal in A.S. No.1114 of 2007 before this Court. This Court, by its judgment dated 07.03.2012, dismissed the appeal preferred by the vendors. Against which the vendors have preferred an appeal before the Hon'ble Supreme Court in S.L.P. (Civil) No.15460 of 2013 and the same was dismissed on 01.07.2013. Thereafter, the petitioner had filed an execution petition in E.P. No.123 of 2019 and according the E.P. proceedings dated 03.12.2019, property was handed over and it was recorded as follows:

"Immovable property delivered on 15.11.2019. Surveyor, VAO, VAO Assistant, DHR endorsed. Delivery effected. Amina report received, Delivery confirmed and recorded. Accordingly E.P. is terminated."

3.The petitioner company plotted the residential property into residential house sites after getting all the necessary approvals from the Statutory Authorities including CMDA and CMDA layout plan No.PPD/LO.11/2020 dated 11.02.2020. The petitioner had sold the plots to various prospective purchasers and the purchasers also have put up constructions in their respective lands. For safety and security and considering the well being of the purchasers of the residents, the petitioner company started construction of compound wall to the entire extent of 10 Acres and 83 Cents and 90% of compound wall around the suit property is almost completed. On 03.12.2021, the petitioner hired a JCB for clear debris for constructing the remaining portion of compound wall. At that stage, the nephew of second respondent had created a problem grouping with goondas by trespassing the petitioner's property and forcibly stopped the construction. The sons of soil theory seems to be running high there and they are demanding hefty amount from the petitioner to complete the



remaining portion of construction work and also with the background of politically influential people, they claimed right over a piece of 1608 sq.ft or 3 ½ cent of land in Survey No.81/1A and 81/N at the entrance of the property, so that it can be utilized by them for commercial activities in future.

4.The petitioner company objected to the same. Further, putting up commercial establishments at the entrance would create nuisance and also the serene atmosphere of the residence. The police seems to be turning other side whenever a complaint was lodged and no protection was given to the petitioner company. In fact, a complaint has been registered against the employee of the petitioner company in Cr. No.961 of 2021 for the offences under Section 147, 148, 427 IPC on a complaint given by one Karunakaran alleging that there was some damage to the compound wall. Against which the employees have filed a quash petition in Crl. No.25750 of 2021 which is pending before this Court.

5.Learned counsel for the petitioner submitted that on summons to the respondents in Crl. No.25750 of 2021, it has been returned with endorsement that "No such person is available". Thus the local chieftains are adopting all dubious method to extract money from the petitioner. The respondent police is also not acting to the complaint of the petitioner.

6.Considering the submissions and perusal of the materials filed along with the typed set of papers, this Court directs the Deputy Commissioner of Police, Ambattur, to receive complaint from the petitioner and verify the documents and thereafter, to depute responsible personnel so that, the petitioner company shall complete the construction of compound wall in the property.

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

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

bkn/jas

To

1. The Sub Inspector of Police,
SRMC Police Station,
Chennai.



2. The Deputy Commissioner of Police,
Ambattur, Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Suresh, Advocate, S.R.No.4622

W.P.No.925 of 2022

PL (CO)
RGA (17/02/2022)