



W.P.No.4245 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.4245 of 2021 and
W.M.P.No.4848 of 2021

Basker Rao

... Petitioner

Vs.

- 1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai -5.
- 2.The Inspector of Police,
Anti Land Grabbing cell-2,
Central Crime Branch-2, Team-23A,
Chennai.
- 3.The Inspector of Police,
Redhills, Chennai.
- 4.Ranjith
- 5.Selvarani

... Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the Respondents 1 to 3 to give Police protection to the Petitioner to vacate the fourth and fifth Respondents, from the property situated at Patta No.437, new survey No.538/1-E include No.5 to an extent of 1800 Sq.ft plot and house Puzhal



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Village, Kannapasamy Nagar, 18th cross street, Chennai.

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For Petitioner : Mr.K.Nagarajan
For Respondents : Mr.L.Baskaran (for R.1 to R.3)
Government Advocate(Crl. Side)

ORDER

The Petitioner had filed this Petition seeking Police protection for vacating the fourth and fifth Respondents from the property comprised in new Survey No.538/1-E include No.5 measuring an extent of 1800 Sq.ft house at Puzhal Village, Kannapasamy Nagar, 18th cross street, Chennai.

2. When the case came up for hearing the learned Counsel for the Petitioner submitted that the Petitioner's sister Devaki was an employee of the Regional Transport Office. She was a spinster. On her own earnings, she had acquired a house in S.F.No.598/1, Puzhal village, Madhavaram Taluk, Thiruvallur District. She died due to heart attack. Before her death, one Ranjith had taken a portion of the house as a tenant and he was paying rent regularly. The Petitioner, his brothers and sisters considered the tenant as protection to his sister who was living alone in the house. After the death



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of the Petitioner's sister by name Devaki, the tenant/Ranjith informed the Petitioner that he will fairly pay rent to the brothers and sisters of the deceased/Devaki. On the death of Devaki, the death certificate and the legal heir certificate was issued to the Petitioner, a copy of the same is enclosed in the typed set. While so, the said Ranjith had obtained legal heir certificate on the basis of the death certificate, as though, he was the legal heir of the said Devaki. Based on the legal heir certificate, he had executed a settlement deed in favour of his family members.

3. The Petitioner had obtained the documents from the Tahsildar and the Sub Registrar concerned under the Right to Information Act, only then he came to know that the said Ranjith, who is tenant of the said Devaki, had played fraud. Therefore, the Petitioner had lodged a complaint to the Police regarding the attempt of land grabbing by the said Ranjith. Subsequent to the same, the said Ranjith had executed deed of cancellation of settlement, a copy of the same is enclosed in the typed set. Now, the Petitioner had filed this Writ Petition seeking Police protection for the property on the ground that Police had to evict the tenant and his family.



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4. On considering the facts and circumstances of the case, the prayer sought by the Petitioner is found misconceived. The prayer of the Petitioner is a subject matter to be dealt with by the Civil Court, not by the Police. Therefore, on the basis of the averments in the Writ Petition and copies in the typed set which are the documents obtained by the Petitioner from the competent authority, the Petitioner and his siblings who are treated as legal heirs of the deceased Devaki have to agitate their valuable rights to the property through the Civil Court and obtain declaration regarding the same.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous Petition is closed.

07.07.2022

Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
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Chennai.
- 3.The Inspector of Police,
Redhills, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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SATHI KUMAR SUKUMARA KURUP, J.

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