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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.5034 of 2022

Esur Arapathira Sachithanantha Swamigal,
Kandasamy Swamigal Aadeena Paripalana Trust,
Represented by its President M.P. Mani,
Residing at No.2/494, Postal Street,
R.L.Pet, Vilakkanampudi,
R.K.Pet, Tiruvallur District-631 303

... Petitioner

Vs.

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

2. The Inspector of Police,
R.K.Pet Police Station
Tiruvallur District.

3. G.Balu

4. J.D.Mani

5. S.Ravi

6. Suresh

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the second respondent to provide police aid to the Trust property bearing S.No.21/5A, Pallipattu Road, R.K.Pet, Tiruvallur District and also to provide protection to the Trustees to let out the shop premises in the property to the tenant.

For Petitioner : Mr.L.Dhamodharan

For R1 & R2 : Mr.A.Gokulakrishnan

Additional Public Prosecutor

For R3 to R6 : No appearance



O R D E R

This Writ Petition has been filed seeking to direct the second respondent to provide police aid to the Trust property bearing S.No.21/5A, Pallipattu Road, R.K.Pet, Tiruvallur District and also to provide protection to the Trustees to let out the shop premises in the property to the tenant.

2.The case of the petitioner is that he is the managing Trustee of the Esur Arapathira Sachithanantha Swamigal Kandasamy Swamigal Aadeena Paripalana Trust, which was formed in the year 1973 with avowed objects for the public and for charitable purpose. It is the further case of the petitioner that the said Trust owns a property bearing S.No.21/5A, Pallipattu Road, R.K.Pet, Tiruvallur District and the trust has constructed shops and the income accrued from the shops has been equally utilized for the welfare of the public. Whiles, local persons namely G.Balu, J.D.Mani, S.Ravi and K.Suresh, who are affiliated with the political parties, are creating problems and preventing the petitioner from letting out the shops for rent. Therefore, the petitioner had approached the respondents seeking police protection, whereas, the respondents have not provided them any police protection. Hence, the petitioner had approached before this Court for appropriate orders.

3.Heard the respective learned counsels and perused the materials placed on record.

4.The learned counsel appearing for the petitioner would submit that the petitioner is a Trust and some third parties are creating problem and preventing the petitioner from letting out the shops for rent. Hence, he seeks for a direction to the second respondent to provide police aid to the petitioner's trust's property.

5.The learned Additional Public Prosecutor appearing for the respondents 1 & 2 would submit that there is a dispute between the petitioner and third parties in respect of the properties in S.No.21/5A, Pallipattu Road, R.K.Pet, Tiruvallur District. The second respondent finding that the dispute between the parties with regard to the property is likely to create breach of peace had referred the matter to the RDO and the RDO has fixed the hearing date on 08.03.2022. Further, he would submit that subject to the outcome of the proceedings of the RDO, the respondents will provide adequate and necessary protection.



6. Recording the submissions made by the learned Additional Public Prosecutor on behalf of the first and second respondent, this Criminal Original Petition stands disposed of.

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Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

Dua/Gd

To

1. The Superintendent of Police,
Tiruvallur District, Tiruvallur.
2. The Inspector of Police,
R.K.Pet Police Station
Tiruvallur District.
3. The Revenue Divisional Officer,
Thiruthani.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.L.Damodaran, Advocate, S.R.No.14996

W.P.No.5034 of 2022

MG (CO)
SU (29/03/2022)