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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. No.17004 of 2021

Kanagasundari
W/o.Jeevarathinam

... Petitioner

vs.

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

2.The State rep by its
The Inspector of Police,
North Police Station,
Vellore District.

3.Zion Pentacostal Church,
Rep by its Superintending Pastor,
Rev. Immanuel Paul,
S/o.Paul,
No.8, Palar River Bund,
Near New Bus Stand,
Vellore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 and 2 herein to dispose the petitioner's representation dated 02.07.2021 and directing the respondents 1 and 2 to afford adequate and sufficient police protection to the lief and property of the petitioner and his family members within a time frame fixed by this Court.

For Petitioner : Mr.Vinayagarangan for
Mr.S.Ravichandran

For Respondents: Mr.A.Gokulakrishnan for R1 & R2
Additional Public Prosecutor
Mr.M.J.Sundar for R3

ORDER

This petition has been filed seeking to direct the respondents 1 and 2 herein to dispose of the petitioner's



representation dated 02.07.2021 and direct the respondents 1 and 2 to afford adequate and sufficient Police protection to the life and property of the petitioner and his family members within a time frame that may be fixed by this Court.

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2. The learned counsel appearing for the petitioner would submit that the petitioner's husband had purchased land measuring an extent of 0.43 cents comprised in survey No.1777 of Vadavellore Village, Vellore Taluk from one M.Abdul Sukkur Sahib, by way of registered sale deed dated 27.10.1958. During his lifetime, the petitioner's husband settled a portion of land measuring an extent of 7 ½ cents out of 0.82 acres in the above said survey number through settlement deed, vide document No.1572 of 1970 dated 12.06.1970 to the 3rd respondent. In the settlement deed, the husband of the petitioner had made it clear without any ambiguity that the settlement property should be utilized only for the purpose of constructing the Church and continuously to carry out the religious ceremonies on the day-to-day basis for the betterment of the same for generations. It was also emphasized that there shall not be any alienation or any sort of encumbrances that may be created on the property, such as mortgage. In case of any deviation to the conditions imposed, the settlement would be revoked at any point of time either by himself or by his legal heirs. The petitioner's husband died on 22.03.1989 and the 3rd respondent/Church has not been complying with the conditions imposed in the settlement deed and thereby, the petitioner had revoked the settlement deed and cancelled the settlement deed by way of another deed in Document No.5985/2008 dated 27.05.2008 at SRO, Vellore.

3. The petitioner had informed the 3rd respondent about the cancellation of the settlement deed and he had sought for return of the property. The 3rd respondent adopted evasive methods and refused to hand over the possession of the property to the petitioner, thereby, the petitioner had made a representation to the Tahsildar, Vellore to transfer the patta and also to measure the land and demarcate the exact boundaries of the land in dispute. The petitioner had sent a representation dated 19.01.2021 to the District Collector, Vellore, seeking to survey the property and on 13.02.2021, the petitioner went to the property and at that time, the person in-charge of 3rd respondent/Church, along with his henchmen, had appeared and abused the petitioner in filthy language and threatened her with dire consequences. The petitioner had lodged a complaint before the Sub-Inspector of Police, North Police Station, Vellore on 13.02.2021 against one Immanuel and his henchmen and on the very next day i.e., on 14.02.2021, C.S.R.No.82/2021 was issued. But till date, no action has been taken. Hence, the present Writ Petition has been filed seeking for Police protection.



4.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the petitioner's husband had settled the property in favour of the 3rd respondent/Church and claiming that condition of the settlement deed were violated the petitioner unilaterally canceled the settlement deed. The 3rd respondent/Church is in possession of the property. The learned Additional Public Prosecutor would further submit that subject to the outcome of the result of the civil dispute, appropriate action will be taken by the respondent Police.

5.The learned counsel appearing for the 3rd respondent/Church would submit that litigations are pending between the parties.

6.Recording the above submissions of the learned Additional Public Prosecutor, this Writ Petition stands disposed of. No costs.

Sd/-
Deputy Registrar(CS)

//True copy//

Sub Assistant Registrar

vkr

To

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

2.The Inspector of Police,
North Police Station,
Vellore District.

3.The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.M.J.Sundar, Advocate SR.No.13850

W.P. No.17004 of 2021

SR(CO)
GMY(11/03/2022)