



W.P.No.26246 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.26246 of 2022

Adaikkammai

...Petitioner

Vs.

1.The State of Tamilnadu
rep. By the Commissioner of Police
Tambaram Commissionerate
Sholinganallur, Chennai.

2.The Deputy Commissioner
Pallikaranai District.
Tambaram Commissionerate.

3.The Inspector of Police
J-12, Kanathar Police Station
Chennai.

4.M.P.Chandrasekar
S/o Late Perumal

5.C.Suseela
W/o M.P.Chandrasekar

6.C.Damodharan
S/o M.P.Chandrasekar

7.C.Sampathkumar
S/o M.P.Chandrasekar

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to ensure the petitioner's peaceful entry and enjoyment of property at all times and provide adequate police protection, whenever there is threat of assault on life or property, attempted illegal trespass and the rest by the respondents 4 to 7 in Punjai S.No.99/5C1C5, Muttukadu Village, Tiruporur Taluk, Chengalpet District, based on the petitioner's complaint dated 12.08.2022 given to the 1st respondent, which was forwarded to the 2nd respondent vide R.C.No.013123 and the petitioner's subsequent complaint dated 13.08.2022 sent to the 3rd respondent.

For Petitioner : Mr.K.M.Balaji
For Respondents : Mr.S.Santhosh
Government Advocate (Crl. Side)
for RR1 to 3
Mr.M.Loganathan for RR4 to 7

ORDER

This Writ Petition has been filed, to direct the respondents 1 to 3 to ensure the petitioner's peaceful entry and enjoyment of property at all times and provide adequate police protection, whenever there is threat of assault on life or property, by considering the petitioner's complaints dated 12.08.2022 and 13.08.2022.



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2.The learned counsel for the petitioner would submit that the petitioner's father – Late Sambandhan Chettiar was the owner of the property in dispute in Old S.No.99/5C Part, Present S.No.99/5C1C5, Muttukadu Village, Tiruporur Taluk, Chengalpet District. After her father's demise, the petitioner, her aged mother and her siblings are in possession and enjoyment of the above said property. With regard to the property in dispute, there was already a suit in O.S.No.941 of 2015 is in existence. Pending suit, I.A.No.334 of 2014 was filed by the petitioner and an order of interim injunction was granted in favour of the petitioner and also the Advocate Commissioner visited the suit property and filed a report. Under these circumstances, the respondents 4 to 7 trespassed into the suit property and prevented the petitioner from entering into the property. Hence, she lodged a complaint to the 3rd respondent on 13.08.2022. Since, the respondent police has not taken action on the complaint, she filed the present Writ Petition.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) appearing for the respondents 1 to 3 would submit that the 3rd respondent, on receipt of the complaint from the



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petitioner assigned the CSR No.227 of 2022 on 24.08.2022 and it is now pending.

4.Recording the submission made by the learned Government Advocate (Crl. Side), this Court directs the 3rd respondent – the Inspector of Police, J-12, Kanathar Police Station, Chennai., to conduct enquiry upon the complaint given by the petitioner on 13.08.2022 and complete the investigation, within a period of four weeks from the date of receipt of a copy of this order, without harassing the parties. On enquiry, if it is found that any of the party has committed an offence, it is open to the respondent police to take action on merits and in accordance with law.

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

29.09.2022

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order

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To
1.The Commissioner of Police



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Tambaram Commissionerate
Sholinganallur, Chennai.

2.The Deputy Commissioner
Pallikaranai District.
Tambaram Commissionerate.

3.The Inspector of Police
J-12, Kanathar Police Station
Chennai.



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V.SIVAGNANAM,J.

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