

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.25927 OF 2021

A.Periyasamy

... Petitioner

Versus

***1. The Superintendent of Police,
Erode,
Erode District.**

2. The Inspector of Police,
Thingalur Police Station,
Erode District.

3. The Sub Inspector of Police,
Thingalur Police Station,
Erode District.

4. Samiyappan

... Respondents

*** R1 Cause Title amended vide
Order dated 10/03/2022 made in
W.M.P.No.4206 of 2022 in
W.P.No.25927 of 2021 by ADJCJ**

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to provide police protection to the petitioner to put up a fence around his property comprised in S.No.263/6 measuring to an extent of 0.03.5 hectares situated in Singanallur Village, Perundurai Taluk by considering the petitioner's representation dated 27.10.2021.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
For R1 to R3

O R D E R

This Writ petition is filed to issue a Writ of Mandamus directing the respondents 1 to 3 herein to provide police protection to the petitioner to put up a fence around his property comprised in S.No.263/6 measuring to an extent of 0.03.5 hectares situated in Singanallur Village, Perundurai Taluk by considering the petitioner's representation dated 27.10.2021.

2. The contention of the petitioner is that a property comprised in 263/6 belongs to his father and after his demise, he is in absolute possession and enjoyment of the same. The fourth respondent herein/Samiappan started causing hindrance in the usage of his property in order to grab the same. Thereafter, the petitioner filed a Civil Suit in O.S.No.51 of 2015 before the District Munsif Court, Perundurai. The fourth respondent in his evidence as RW1 had stated that the petitioner has 2.75 acres of land in S.No.263/6 and he has no right in the said property and he admitted the ownership and portion of the petitioner. The Trial Court by the order dated 31.01.2020 found that the objection of one Samiappan appeared to be unreasonable and decreed the suit granting permanent injunction. Subsequently, the fourth respondent sent a representation to the Revenue Divisional Officer, Erode seeking patta in S.No.263/6 and after detailed enquiry, the same was dismissed, against which, no appeal was preferred by the fourth respondent. Even thereafter, the fourth respondent is trying very hard to grab his property. Hence, the petitioner trying to put up a fence around his land in S.No.263/6, but the same was objected by the fourth respondent. Hence, he sent a representation to the fourth respondent seeking police protection, but the respondent Police has not taken any action. Hence, the present petition.

3. The learned Additional Public Prosecutor submits that on the complaint of the petitioner, CSR.No.20 of 2021 was assigned. Thereafter, both the parties were called on 24.10.2021 and advised them to approach the Civil Court.

4. At this stage, the learned counsel for the petitioner submits that there is no such meeting and the petitioner never agreed to approach the Civil Court since the fourth respondent admitted in his evidence about the possession and enjoyment of the petitioner and he already got his remedy before the Civil Court. Added to it, the Revenue Authority also confirmed the same.

5. In view of the same, this Court directs the petitioner to appear before the respondent Police along with judgment and decree dated 31.01.2020 in O.S.No.51 of 2015 and other relevant documents and give his explanation. Thereafter, the respondent Police shall provide necessary protection to the petitioner to fence the subject property.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS II)
11/02/2022

*** Cause Title amended as per
Order dated 10/03/2022 made
in W.M.P.No.4206 of 2022 in
W.P.No.25927 of 2021**

Sd/-
Assistant Registrar(CS II)
25/03/2022

//True Copy//

Sub Assistant Registrar

dna

To

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

***1. The Superintendent of Police,
Erode, Erode District.**

2. The Inspector of Police,
Thingalur Police Station,
Erode District.

3. The Sub Inspector of Police,
Thingalur Police Station,
Erode District.

4. The Public Prosecutor,
High Court, Madras.

*** To be substituted
to the Order already
despatched on
23/03/2022**

+lcc to Mr.M.Guruprasad, Advocate, S.R.No.4437

W.P.NO.25927 OF 2021

PMK (CO)
PR (14/02/2022)
NRL(PA)
PBS/30/03/2022