



WEB COPY



WP.No.26574 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.26574 of 2022

Mr.Gopalsamy

.. Petitioner

Vs

1. The Commissioner of Police,
Office of Commissioner,
Coimbatore, Coimbatore District.
2. The Inspector of Police,
Peelamedu Police Station,
Peelamedu, Coimbatore.
3. Maragatham
4. Rangasamy
5. Mani
6. Balasubramaniam
7. Padhmavathi

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to grant police protection to fence the property admeasuring 7.66 acre comprised in S.No.890/2A, the property admeasuring 1.47 acre comprised in S.No.891/2, the property admeasuring 1.66 acre comprised in



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S.No.889/3, the property comprised 1.66 acre comprised in S.No.889/4 and the property admeasuring 1.49 acre comprised in S.No.891/4 situated at Kalapatti Village, Coimbatore Taluk and District.

For Petitioner : Mr. S. Raja Rajan

For Respondents : Mr. E. Raj Thilak
Addl. Public Prosecutor

ORDER

This writ petition has been filed in the nature of Mandamus, seeking a direction to the 1st and 2nd respondents to grant police protection to fence the properties situate in S.Nos.890/21, 891/2, 889/3, 889/4 and 891/4 situate in Kalapatti Village, Coimbatore.

2.The learned Counsel appearing for the petitioner submitted that there was a property dispute between the petitioner and the private respondents 3 to 7 and having regard to the same, originally a suit was filed in O.S.No.2273 of 1996 before the learned Principal District Munsiff Court, Coimbatore and the said suit was dismissed, against which, appeal was preferred in A.S.No.24



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of 2005 and the same was allowed on 27.1.2006 granting permanent injunction in favour of the petitioner against the private respondents. In the stated circumstances, the petitioner and other legal owners of the property have put up fencing in the said property. While so, the respondents 3 to 7, damaged the fencing put up by the petitioner on 15.09.2022, thereby illegally attempting to trespass into the property. Hence the petitioner gave a representation dated 09.09.2022 seeking for police protection to fence the property, however, since the respondent did not take any action on his representation, he was constrained to file this writ petition seeking a direction for police protection.

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent police submitted that the 2nd respondent has received two complaints from the petitioner as well as from the 6th respondent and the same were assigned with CSR.Nos.1227 & 168 of 2022 which are now pending for enquiry.

4. Recording the submission of the learned Addl. Public Prosecutor, the



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2nd respondent namely, the Inspector of Police, Peelamedu Police Station, Coimbatore is directed to conduct enquiry on both the complaints received from the petitioner as well as from the 6th respondent pending in CSR.Nos.1227 and 168 of 2022, and take suitable action on merits and in accordance with law based on the documents produced by the parties concerned within a period of three months from the date of receipt of a copy of this order

5. With the above direction, this writ petition stands disposed of. No costs.

12.10.2022

Index : Yes / No
Internet : Yes/ No
msr

To

1. The Commissioner of Police,
Office of Commissioner,
Coimbatore, Coimbatore District.
2. The Inspector of Police,
Peelamedu Police Station,
Peelamedu, Coimbatore.

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V. SIVAGNANAM, J.

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