



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.01.2022
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.27151 of 2021

M.Rajendran

.. Petitioner

Versus

State by
Inspector of Police,
Madhavaram Police Station,
Chennai.

...Respondent

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondent to provide protection to the petitioner life and property from being encroached upon by the third parties using unlawful acts and criminal force to deprive the petitioner property.

For Petitioner	: Mr.V.Ramamurthy
For Respondent	: Mr.E.Raj Thilak Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent to provide protection to the petitioner's life and property from being encroached upon by the third parties using unlawful acts and criminal force to deprive the petitioner's property.

2. The petitioner who is the proprietor of Sri Prabhu Transport owning some land in Madhavaram is constantly being harassed, threatened and further his property is attempted to be encroached by his brother Mani and his henchmen. Earlier, Mani, Prabhu and Pradeep had filed an application in O.A.No.770 of 2019 before this Court and this Court by its order dated 24.08.2020 had partly allowed the application by giving a direction to complete the Civil Suit. This being the case earlier the petitioner had lodged a complaint in which CSR No.809 of 2020 assigned and after enquiry, it was closed on 18.11.2020.

3. The grievance of the petitioner is that due to the inaction of the Police, his brother and his henchmen are



constantly causing threat and not allowing the petitioner to enjoy his property and to carry on his business.

4. The learned Additional Public Prosecutor submitted that there have been constant dispute between the petitioner and his brother and others over the property, and it is a family dispute.

5. Earlier, whenever a complaint was lodged, both the parties were advised to approach the Civil Court and seek appropriate remedy. Further, Civil Suits are pending. In this case, the counter petitioners namely M.Mani, J. Prabhu and J.Pradeep have not been arrayed as respondents.

6. Only to know the present stage of the Civil Suits and the rights of both the parties, this Court directs the Inspector of Police, Madhavaram Police Station to enquire the petitioner and also to examine the documents furnished by him and also if necessary to enquire M.Mani, J.Prabhu, J.Pradeep and others who are causing interference and hindrance to the petitioner, and find out if any case is made out. In the event of no case being made out, they shall direct the petitioner to approach the Civil Court to seek their remedy.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dna/mdl
To

1. The Inspector of Police,
Madhavaram Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Ramamurthy, Advocate Sr.NO. 846

W.P.No.27151 of 2021

pvs(CO)
A.SK(20.01.2022)