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W.P.No.28159 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.28159 of 2022

G.Ambika

...

Petitioner

/vs/

1.The Deputy Superintendent of Police,
Deputy Superintendent of Police (Town) Head Quarters',
Thiruvannamalai Town,
Thiruvannamalai District 606601.

2.The Inspector of Police,
Taluk Police Station, Vengikkal,
Thiruvannamalai District 606604.

3.A.P.Moorthy

4.A.P.Muniyammal

...

Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the 1st and 2nd respondents to dispose of the petitioner's representation dated 17.08.2022 and to provide adequate police protection to the petitioner and her family and direct the respondents 1 & 2 to take appropriate action against



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Mr.A.P.Moorthy and his henchmen.

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For Petitioner	...	Mr. B.Janakiram
For Respondents	...	Mr.A.Damodaran Additional Public Prosecutor for RR1 to 2

ORDER

The Writ Petition has been filed to direct the 1st and 2nd respondents to dispose of the petitioner's representation dated 17.08.2022 and to provide adequate police protection to the petitioner and her family and direct the respondents 1 & 2 to take appropriate action against the 3rd respondent and his henchmen.

2.According to the petitioner, her husband Gunaseelan (late) is entitled to an extent of 900 sq.ft of land in Thiruvannamalai Town, Vengikal Village under new Survey No.257/7 in Plot No.4 by virtue of a sale deed dated 21.12.2012. During that time, the 3rd respondent, who is a History Sheeter in Vengikal Police Station accompanied with his sister/4th respondent herein, interfered with the construction process and threatened the petitioner to stop the construction. Even during the life time of the



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petitioner's husband, her husband filed a suit in OS.No.40/2015 before the

Additional District Munsif, Tiruvannamalai seeking for Permanent Injunction restraining the respondents 3 and 4 from disturbing his peaceful enjoyment and the same was decreed in his favour on 20.12.2018. An extent of 10 cents in Survey No.256/1 is a degraded barren land of the Government of Tamil Nadu. By getting such information, the 4th respondent herein has filed a Writ Petition in WP.No.5021 of 2015 and the same was disposed of by giving a direction to the District Collector to conduct an enquiry. In pursuance of the enquiry so conducted, the parties appeared along with the necessary documents. Thereafter, the Collector passed an order dated 18.04.2016 and declared that the property claimed by the 3rd respondent is a government land located within 8 kilometres beyond the town perimeter and the Patta issued to the petitioner was also cancelled. Aggrieved over that, the petitioner had filed a Writ Petition in WP.No.21580/2016 and got the following order:

"7.This Court is of the view that a prima facie case has been made out for grant of interim order. Hence, there shall be an order of ad-interim stay insofar as the petitioner is concerned.

8.Counter of the respondents by then. In the counter affidavit,



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the names of the officials who had granted patta, effected sub-division and mutated the revenue records, should find place for taking appropriate action against them. it is also made clear that till the disposal of the writ petition, the petitioner shall not create any third party right in respect of the land/property in question."

3. Again when the petitioner started construction in the subject property, respondents 3 and 4 interfered with their enjoyment and threatened her. Repeated representations have been made by the petitioner and others to give police protection against the threat caused by the 3rd respondent and his henchmen, however, no action has been taken so far. Hence, the petitioner has filed the present petition seeking police protection.

4. The decree for permanent injunction obtained by the petitioner's husband in the suit filed by him in OS.No.40/2015 is to protect his interest and enjoyment of the subject property from the hindrance caused by the 3rd respondent or his henchmen. If the suit property and the property which is now in enjoyment of the petitioner is one and the same, the respondent police 1 and 2 are bound to give protection or take appropriate action, if the 3rd respondent attempts to violate the order of the Court. The



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petitioner is also at liberty to file an execution petition for enforcing the decree.

5. In view of the decree of the Civil Court, the respondents 1 and 2 should be directed to consider the representation of the petitioner dated 17.08.2022 and do the needful.

6. In the result, this Writ Petition is allowed with a direction to the respondents 1 and 2 to consider the representation of the petitioner dated 17.08.2022 and do the needful in view of the decree of the Court dated 20.12.2018 made in OS.No.40/2015. No costs.

20.10.2022

jrs

Internet: Yes /No

Index: Yes / No

Speaking / Non-Speaking



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R.N.MANJULA, J.

jrs

To

- 1.The Deputy Superintendent of Police,
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Thiruvannamalai Town,
Thiruvannamalai District 606601.
- 2.The Inspector of Police,
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- 3.The Public Prosecutor,
High Court, Madras.

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