



W.P.No.30801 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.No.30801 of 2022

D.Kumaresan

...Petitioner

Vs.

1. The Inspector of Police,
Nemili Police Station,
Ranipet District.

2. S.Rajesh

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue writ of Mandamus, directing the 1st respondent Police to provide necessary police protection to the petitioner for removal of wall in his property situated at Attupakkam Village, Arakkonam Taluk, Ranipet District comprised in Old S.No.248 of 24, New S.F.No.226/Part measuring an extent of 792 square meters which is 8524 Sq.ft based on the representation dated 05.11.2022.

For Petitioner : Mr.M.Jaikumar

For Respondents : Mr.S.Santhosh,
Government Advocate (Crl. Side)



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ORDER

This Writ Petition has been filed to direct the 1st respondent Police to provide necessary police protection to the petitioner for removal of wall in his property situated at Attupakkam Village, Arakkonam Taluk, Ranipet District comprised in Old S.No.248 of 24, New S.F.No.226/Part measuring an extent of 792 square meters which is 8524 Sq.ft based on the representation dated 05.11.2022.

2. The learned counsel for the petitioner submitted that the property comprised in Old S.No.248/24, New S.F.No.226/Part measuring an extent of 792 square meters which is 8524 Sq.ft belongs to the petitioner. However, the 2nd respondent had filed a suit by making false claim in O.S.No.160 of 2021 and the said suit was dismissed as not pressed on 29.03.2022.

3. However, the learned counsel for the 2nd respondent submitted that the appeal has been preferred against the order of the District Registrar in cancelling the Settlement Deed executed in favour of the 2nd respondent by his father.



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4. At this juncture, now the petitioner has filed the present petition seeking Police protection for removal of the wall situated in his property. Even though the suit filed by the 2nd respondent is allowed to be withdrawn, the fact remains that the petitioner who is the 3rd defendant did not file any counter suit. Only the petitioner has claimed to remove the wall alleged to have been erected by the 2nd respondent. Unless the petitioner establishes his title and possession over the property and obtain order to that effect from the Court, the 1st respondent Police cannot interfere in such matters which is purely civil in nature. The cause of action of the civil suit cannot be converted into a petition for Police protection. Hence the petitioner is at liberty to file a civil suit and work out his remedy. In the event of obtaining favourable orders from the Civil Court and even thereafter, if he can not enjoy the property peacefully then the petitioner is at liberty to file a petition for Police protection and the same will be considered by the first respondent.



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R.N.MANJULA,J.

vum

5. With the above observation, this Writ Petition stands dismissed.

No costs.

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vum

Index:yes/No

Speaking order / Non speaking order

To

1. The Inspector of Police,
Nemili Police Station,
Ranipet District.

2. The Public Prosecutor,
Madras High Court,
Chennai.

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