



W.P.No.33638 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 14.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.33638 of 2022

Ramakrishnappa

... Petitioner

Vs.

1. The District Superintendent of Police,
Krishnagiri District.

2. The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.

3. Ramesh

4. Narayanappa

5. Prakash

6. Ramappa

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India to issue Writ of Mandamus to direct the 1st and 2nd respondent herein to give police protection to the petitioner to peacefully carryout the cultivation activities in his property in S.No.138 measuring an extent of 1.56 Acres situated at



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Sithanappali Village, Hosur Taluk, Krishnagiri District by considering the petitioner's representation dated 29.11.2022.

For Petitioner

: Mr.R.Jayaprakash

For R1 & R2

: Mr.S.Santhosh

Government Advocate(Crl.side)

ORDER

This Writ Petition has been filed to direct the 1st and 2nd respondent herein to give police protection to the petitioner to peacefully carryout the cultivation activities in his property in S.No.138 measuring an extent of 1.56 Acres situated at Sithanappali Village, Hosur Taluk, Krishnagiri District by considering the petitioner's representation dated 29.11.2022.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property in Survey No. 138 measuring an extent of 1.56 Acres situated at Sithanappali Village, Hosur Taluk, Krishnagiri District. The respondents (3 to 6) are preventing him from cultivating in the land. In this regard, already complaint was given and First Information Report was also registered in Crime No. 266 of 2017 by the 2nd respondent for the offence under Sections 447 and 506 (2) of IPC, in which, investigation is completed and



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taken on file in C.C.No.230 of 2022 and the case is pending before the learned Judicial Magistrate No.I, Hosur. Respondents (3 to 6) are interfering with the peaceful possession and enjoyment of the said property. Therefore, a representation was given to the respondent police on 29.11.2022 seeking police protection. Since no police protection was given, present petition has been filed.

3. The learned Government Advocate (Crl. Side) submitted that the respondent police received the representation of the petitioner dated 29.11.2022. However, the issue is with regard to land dispute, which is civil in nature. Therefore, the respondent police cannot interfere in the civil dispute, unless, if any law and order issue is involved or any crime is committed

4. Considered the rival submissions. The relief sought by the petitioner is to give police protection to the petitioner to peacefully carryout the cultivation activities in his property in S.No.138 measuring an extent of 1.56 Acres, alleging that the respondents 3 to 6 are interfering with the possession and enjoyment of the property, which appears to be truly civil a dispute. Therefore, the petitioner cannot seek relief which a civil Court can only grant. Further,



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the learned counsel for the petitioner has not produced any material before this Court to show that the petitioner is the owner of the disputed property.

However, this Court directs the respondent police to ensure the peace and if any cognizable offence is made out against the respondents (3 to 6), the respondent police shall initiate proper legal action against the respondent 3 to 6.

5. With the above observations and direction, this Writ Petition is disposed of. No costs.

14.12.2022

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1. The District Superintendent of Police,
Krishnagiri District.

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2. The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.

3. The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN,J.



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