



W.P.Nos.176 & 177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: **05.01.2023**

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.Nos.176 & 177 of 2023

1.P.Silambarasan	... Petitioner in W.P.No.176/2023
2.M.Krishnamoorthy	... Petitioner in W.P.No.177/2023

Vs.

1.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Tiruchengode Taluk, Namakkal District.

2.The Revenue Divisional Officer,
Velur Road, Tiruchengode Taluk,
Namakkal District.

3.The Inspector of Police,
Molasi Police Station,
Tiruchengode, Namakkal District.

4.Paramasivam.	... Respondents in both W.P's
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COMMON PRAYER: These Writ Petitions filed under Article 226 of the Constitution of India, to direct the third respondent to provide police protection to the petitioners, their men or agents to harvest the sugarcane crop in petitioners' land comprised in S.Nos.358/2A and 358/2C respectively situated at Molasi Village, Tiruchengode Taluk.



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For Petitioners in both W.P's : Mr.T.G.V.Ramanigopal for
Mr.T.L.Thirumalaisamy

For Respondents in both W.P's : Mr.S.Santhosh for R1 to R3,
Government Advocate (crl.side)

COMMON ORDER

These Writ Petitions have been filed to direct the third respondent to provide police protection to the petitioners to harvest the sugarcane crops in the petitioners' land comprised in S.Nos.358/2A and 358/2C respectively situated at Molasi Village, Tiruchengode Taluk.

2. The learned counsel appearing for the petitioners submitted that the petitioners are the owners of the property comprised in S.Nos.358/2A and 358/2C situated at Molasi Village, Tiruchengode Taluk. While so, the fourth respondent is now preventing the petitioners from harvesting the sugar cane crops in their respective lands. Hence, these petitions have been filed seeking police protection.

3. The learned Government Advocate (crl.side) submitted that there is a dispute between the petitioners and the fourth respondent with regard to ownership and possession of the properties. In this regard, a suit in O.S.No.58 of 2022 has been filed by the fourth respondent against the petitioners and others and it



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is pending. He further submitted that on the basis of the complaint given by the petitioners, enquiry has been conducted. During the course of enquiry, it was brought to the notice of the third respondent that civil dispute is pending between the parties to adjudicate the title and possession of the disputed land and therefore, the parties are directed to approach the concerned Court for appropriate relief. Hence, the enquiry has been closed as civil in nature.

4. Considered the rival submissions made by both the parties. On perusal of records, it is seen that there is an ownership and possession dispute with regard to the properties comprised in Survey No.358/2A, 358/2C. Further, a suit in O.S.No.58/2022 is pending between the parties before the District Court, Nannilam. Considering the above fact, this Court is of the view that since the civil suit is pending between the parties, the prayer sought by the petitioner seeking police protection cannot be entertained.

5. Accordingly, these Writ Petitions are dismissed. No costs.

05.01.2023

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G.CHANDRASEKHARAN,J.

shk

To

- 1.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Tiruchengode Taluk, Namakkal District.
- 2.The Revenue Divisional Officer,
Velur Road, Tiruchengode Taluk,
Namakkal District.
- 3.The Inspector of Police,
Molasi Police Station,
Tiruchengode, Namakkal District.
4. The Public Prosecutor,
High Court of Madras.

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