



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.5509 of 2023

S.N.Palani

... Petitioner

.Vs.

1.The District Superintendent of Police
Office of the Superintendent of Police
Tiruvannamalai District.

2.The State of Tamil Nadu
Rep.by the Inspector of Police (L&O)
P.S.Arani Taluk Police Station
Tiruvannamalai District.

3.E.Saravanan
S/o.Elumalai

4.E.Sivandam
S/o.Elumalai

5.S.Gowri
W/o.Saravanan

... Respondents

**(R3 to R5 impleaded vide order dt.20.03.2023
made in WMP.7099/2023 in W.P.5509/2023 by GCSJ)**

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent's police to give protection to the petitioner lives by way of giving police aid / assistance as and when required to put up construction on the petitioner's property comprising in



New Survey No.109/3c and Old Survey No.109/3 paa ad-measuring an-extent of 0092 Sq.Feet, in respect of patta No.662 which is situated at Araiyalam Village Arani Taluk, Tiruvannamalai District.

For Petitioner : Mr.D.Babu Varadharajan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1, R2

Mr.G.Saravanan
for R3 to R5

ORDER

This writ petition has been filed seeking for police protection based on the representation/complaint given by the petitioner on 23.1.2023.

2.When the matter was taken up for hearing on 23.6.2023, this Court passed the following order:

This petition is filed to issue a Writ of Mandamus directing the respondent police to give protection to the petitioner life by way of giving police aid/assistance as and when required, to put up construction on the petitioner's property comprising in New Survey No.109/3c and Old Survey No.109/3 paa, ad-measuring an-extent of 0092 sq.ft. in respect of patta No.662, which is situated at Araiyalam Village, Arani Taluk, Tiruvannamalai District.



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2.It is the submission of the learned counsel for the petitioner that petitioner is the owner of the property bearing New Survey No.109/3c and Old Survey No.109/3 paa, ad-measuring an-extent of 0092 Sq.ft. in respect of patta No.662, at Araiyalam Village, Arani Taluk, Tiruvannamalai District. He acquired the property through his father and has been in continuous possession and enjoyment of the property. In the said property there was a old house in a dilapidated condition. Therefore, petitioner demolished the old house and constructed a new house. When the petitioner tried to make plastering work on the right side of the building, one Saravanan and four others, making claim over the property, started disturbing the construction work and created problem. They also made threat to the life of the petitioner. Therefore, on the basis of the complaint given by the petitioner's wife, FIR in Crime No.311 of 2022, dated 13.04.2022, for the offences under Sections 447, 294 (b), 323 & 506 (i) IPC was registered.

3.It is seen from the photographs produced by the petitioner that petitioner has constructed his building to the entire extent of the property, leaving no space to undertake the plastering work on the right side, from his land.

4.In the said circumstances, this Court is of the view that the private respondents 3 to 5 should be heard. Though notice is served and the names of the private respondents 3 to 5 are printed in the cause list, they did not appear before this Court and there is no representation for them. Therefore, post the matter on 07.07.2023. The learned counsel for the petitioner is directed to take private notice to the respondents



3 to 5.

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3.Heard Mr.D.Babu Varadharajan, learned counsel for the petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor for R1, R2 and Mr.G.Saravanan, learned counsel for R3 to R5.

4.Taking into consideration the facts and circumstances of the case, the police will have no role to play and if at all the private respondents are restraining the petitioner from doing the repair work in his property, the petitioner shall be at liberty to approach the Civil Court and workout his remedy before the concerned Civil Court.

5.This writ petition is disposed of accordingly. No costs.

09.08.2023

Internet: Yes
Index : Yes/No
Neutral Citation Case: Yes/No
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To

- 1.The District Superintendent of Police
Office of the Superintendent of Police
Tiruvannamalai District.
- 2.The Inspector of Police (L&O)
P.S.Arani Taluk Police Station
Tiruvannamalai District.
- 3.Public Prosecutor
High Court, Madras.



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N. ANAND VENKATESH, J.
KP

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