



W.P.No.20345 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.20345 of 2023

R.Arumugam

... Petitioner

Vs.

1. The Superintendent of Police,
Thirupattur District,
Thirupattur

2. The Inspector of Police,
Kandili Police Station,
Thirupattur District.

3. C.M.Raja

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of mandamus directing the espondents 1 and 2 to consider the petitioner's representation dated 09.06.2023 and consequently, direct the 2nd respondent police to give police protection to the petitioner from the illegal



W.P.No.20345 of 2023

attempt and threat of the 3rd respondent and his henchmen and preventing him from not to interfere with the peaceful possession and enjoyment of the petitioner's landed property in Survey No.54/2, to the extent of 1500 Sq.ft. Situated at Kasinayakkanpatti Village, Thirupattur Taluk and District.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This writ petition has been filed for a direction to the respondent police to act upon the representation made by the petitioner on 09.06.2023 and to grant police protection to the petitioner with respect to the subject property.

2. The learned Additional Public Prosecutor submitted that based on the complaint given by the petitioner, the 1st respondent has forwarded the same to the Deputy Superintendent of police, Thirupattur and it is now pending in C.No.253/SP.



W.P.No.20345 of 2023

3. The learned counsel for the petitioner submitted that the 3rd respondent had already moved the Civil Court in OS No.72 of 2008 seeking for the relief of declaration and permanent injunction and the said suit was dismissed through judgement and decree dated 22.06.2017. Inspite of the same, the 3rd respondent continues to interfere with the possession and enjoyment of the property. Therefore, the petitioner is seeking for police protection.

3. In the considered view of this Court the enquiry is now pending before the Deputy Superintendent of police, Thirupattur. Hence, there shall be a direction to the Deputy Superintendent of police, Thirupattur to ascertain from the 3rd respondent as to whether the judgement and decree dated in O.S.No.72 of 2008 has become final. If it has become final, the 3rd respondent shall be instructed not to interfere with the



W.P.No.20345 of 2023

possession and enjoyment of the petitioner. If inspite of the same, the 3rd respondent proceeds to interfere with the possession and enjoyment of the property appropriate action shall be initiated through the 2nd respondent and proceed further in accordance with law. If on the other hand, the 3rd respondent has filed any appeal and the same is pending, the parties shall be relegated to the Civil Court to work out their remedy and in such event, the police shall not interfere with the dispute.

4. This Criminal Original Petition is disposed of in the above terms.

11.07.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
rka



W.P.No.20345 of 2023

To
WEB COPY

1. The Deputy Superintendent of police, Thirupattur
2. The Inspector of Police,
Gobisettipalayam Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Madras



WEB COPY



W.P.No.20345 of 2023

N.ANAND VENKATESH, J

rka

W.P.No.20345 of 2023

11.07.2023