



Writ Petition No.26596 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Writ Petition No.26596 of 2023

N.Ramachandran
S/o.Narayanasamy

... Petitioner

Versus

1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2.The Deputy Superintendent of Police,
Krishnagiri District,
Krishnagiri.

3.The Inspector of Police,
Taluk Police Station,
Krishnagiri.

4.Sree Periya Mariannan Alaya Arakkattalai,
Represented by its Managing Trustee,
Rayakottai Road, (Near Flyover)
Melputhur, Kattikanapalli,
Krishnagiri - 635 001

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 3



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herein to provide protection for construction of Compound Wall and to install C.C.T.V. in the petitioner's plot bearing No.3A, Housing Colony, Kattikamapalli Village, Krishnagiri Taluk & District and to keep Vigil over the same in future.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1 to R3]

ORDER

This writ petition has been filed seeking for a direction to the respondent police to act upon the representation/complaint made by the petitioner on 16.08.2023 wherein the petitioner is seeking for police protection in order to construct Compound wall and to install CCTV in the subject property.

2. Heard Mr.K.Govi Ganesan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents 1 to 3 and carefully perused the materials available on record.



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3. It is seen from records that the petitioner has purchased the commercial plot from the Tamil Nadu Housing Board. Some third parties were squatting in the property and the fourth respondent was interfering with the handing over of the property to the petitioner. In view of the same, the petitioner filed a writ petition in W.P.No.6308 of 2018 before this Court for a direction to the Tamil Nadu Housing Board to hand over vacant plot to the petitioner. The auction was challenged by the fourth respondent by filing W.P.No.8740 of 2017. Both these writ petitions were heard together and a common order was passed and the writ petition filed by the petitioner was allowed and the writ petition filed by the fourth respondent was dismissed. The fourth respondent filed a writ appeal with delay and the delay petition was also dismissed by a Division Bench by order dated 09.01.2023. Thus, the order passed by this Court in the writ petition has become final.

4. The petitioner was aggrieved by the fact that the plot was not handed over in spite of directions issued in the writ petition and hence, Contempt petition No.1796 of 2022 was filed before this Court. This contempt petition was disposed of by this Court by an order dated



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10.11.2022 in the following terms:

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"2. Mr.Arul Joseph Selvam, learned Government Advocate (CrI.Side) appearing for 4th respondent submitted that pursuant to the order dated 28.10.2022, the 4th respondent has provided police protection for the purpose of construction of compound wall and consequently, the wall was also constructed. He produced relevant photographs before this Court.

3. Though the presence of the concerned Police Officers is dispense with. Today, Mr.Saravanan, Inspector of Police, Krishnagiri Police Station and M/s.N.Tamilarasi, Deputy Superintendent of Police, Krishnagiri Sub-Division, Krishnagiri District, appeared before this Court and reported that they executed the order of this Court and the wall was constructed and no untoward incidence had taken place".

5. It is further seen from records that the compound wall that was put up by the petitioner was demolished by the trustees belonging to the fourth respondent and the same became a subject matter of complaint before the third respondent and a First Information Report came to be registered in Crime No.346 of 2022 on 27.10.2022 and the investigation is pending.

6. The petitioner wanted to once again put up a compound wall around the property and gave a complaint in this regard. The petitioner is not allowed to put up compound wall and the respondent police also did



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not act upon the complaint given by the petitioner. Hence, the present writ petition has been filed before this Court seeking for appropriate directions.

7. In the considered view of this Court, the petitioner is the absolute owner of the subject property which was allotted in favour of the petitioner by the Tamil Nadu Housing Board. The fourth respondent has attempted to challenge the allotment and the same was negated by this Court and that order has become final. Therefore, the fourth respondent cannot be allowed to take law into their own hands and disturb the peaceful possession and enjoyment of the commercial plot that has already been allotted in favour of the petitioner. The compound wall that was constructed by the petitioner with police aid on an earlier occasion has been demolished by the fourth respondent and investigation is pending in this regard in Crime No.346 of 2022. In spite of pendency of the First Information Report, the fourth respondent is once again disturbing the possession and enjoyment of the property and therefore, the petitioner has sought for police protection to put up the compound wall and to install CCTV to safeguard the property.



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8. This Court is convinced with the grievance expressed by the petitioner and the grievance has to be redressed by this Court. Accordingly, there shall be a direction to the petitioner to submit a complaint before the third respondent seeking for police protection to put up the compound wall and to install CCTV around the subject property. On receipt of the same, the third respondent shall provide appropriate police protection to the petitioner and shall ensure that compound wall is put up and CCTV is installed by the petitioner around the subject property. That apart, the third respondent is also directed to proceed further with the investigation in Cr.No.346 of 2022 and a final report shall be filed in this case within a period of two (2) months from the date of receipt of a copy of this order. If the fourth respondent and its trustees or their men or agents attempt to disturb the possession and enjoyment of the petitioner, the third respondent shall take immediate action against them in accordance with law and the third respondent shall ensure that the fourth respondent does not take law into their own hands.

This Writ Petition is disposed of with the above direction. No



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costs.

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Index: Yes/No
Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No

rjr/gm

To

- 1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
- 2.The Deputy Superintendent of Police,
Krishnagiri District,
Krishnagiri.
- 3.The Inspector of Police,
Taluk Police Station,
Krishnagiri.
- 4.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

gm

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