



W.P.No.659 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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G. Kumaresan S/o. K. Ganthi

.. Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Ambur, Vellore District.

3. The Inspector of Police,
Ambur Taluk Police Station,
Ambur, Vellore District.

4. K. Rajendran S/o. Krishnasamy
5. Vinothkumar S/o. Rajendran

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Mandamus directing the respondents 1 to 3 to
provide police protection to the petitioner to run the Crusher unit viz.,
Amman Blue Metals situated in S.No.443 and D. No.66, Kattukollai Village



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in Vinnamangalam Post, Ambur Taluk, Vellore District.

For Petitioner : Mr. V. Elangovan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Writ petition has been filed seeking for direction to the respondents 1 to 3 to act upon the representation dated 29.09.2023 given by the petitioner seeking for police protection in order to enable the petitioner to run the Crusher unit viz., Amman Blue Metals situated in S.No.443 and D. No.66, Kattukollai Village in Vinnamangalam Post, Ambur Taluk, Vellore District, in the subject property.

2. Heard Mr. V. Elangovan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.



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3. The petitioner had purchased the property under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (herein after called as the SARFAESI Act). Even on an earlier occasion, his possession and enjoyment was disturbed and hence, the petitioner approached this Court and filed Crl OP No.17230 of 2016. This Court passed an order on 09.08.2016 and the relevant portions are extracted hereunder :-

3. It is seen that this petitioner had purchased the property in question under SARFAESI Act, despite which one Vinoth Kumar and his father Rajendran, who were the borrowers are causing disturbance to the the petitioner. In this connection the petitioner has given a complaint on 08.07.2016, based on which, petition enquiry is pending in CSR No.137 of 2016.

4. In view of the above, the second respondent is directed to conduct enquiry in CSR No.137 of 2016 and afford police



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protection to the petitioner in accordance with law.

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4. Pursuant to the above order, an FIR came to be registered in Crime No.314 of 2016 on 15.08.2016 by the 3rd respondent.

5. The 4th respondent also filed a civil suit before the Principal District Munsif Court, Ambur, in OS No.33 of 2018 against the petitioner seeking for the relief of permanent injunction. This suit was contested and ultimately, by judgement dated 28.07.2022, the suit was also dismissed.

6. The grievance of the petitioner is that even thereafter the private respondents are continuing to cause threat and also interfering with the possession and enjoyment of the property. Hence, the petitioner gave a complaint / representation dated 29.09.2023 to the respondents 1 and 2. Since no action has been taken, the present writ petition has been filed before this Court.



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7. The learned Additional Public Prosecutor on instructions submitted that the representation / complaint is pending before the 2nd respondent.

8. Taking into consideration, the facts and circumstances of the case and also the earlier order passed by this Court and the investigation that is pending in Crime No.314 of 2016 and also of the fact that the suit filed by the 4th respondent was dismissed by a competent Civil Court, there shall be a direction to the 2nd respondent to act upon the complaint/ representation dated 29.09.2023 and instruct the respondents 4 and 5 not to cause any threat or disturbance to the property belonging to the petitioner. If the threat continues, action shall be taken against the respondents 4 and 5 and police protection shall also be granted, if required. The investigation pending in Crime No.314 of 2016 shall also be completed as expeditiously as possible.



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9. This writ petition is disposed of with the above directions. No costs.

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

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Vellore District, Vellore.
2. The Deputy Superintendent of Police,
Ambur, Vellore District.
3. The Inspector of Police,
Ambur Taluk Police Station,
Ambur, Vellore District.
4. The Public Prosecutor,
High Court of Madras, Madras.



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