



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4875 of 2024

Sundarambal

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Perambalur Taluk,
Perambalur District.

3.The Inspector of Police,
Perambalur Police Station,
Perambalur Town and District.

4.Balasubramaniam

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the respondents 1 to 3 to grant police protection to the petitioner for putting fencing/compound wall for the properties admeasuring 1 acre and 63 1/4 cents comprised in new Survey No. 8/17A , 8/17B and 8/17C out of 6.53 Acres comprised in Old Sy. No. 8/2 situated at Thuraimangalam Village, Perambalur Taluk and District in the light of the Decree dated 10/09/2001 in O.S.No.214/2001 on the file of District Munsif, Perambalur.



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For Petitioner : Mr.R.Rajarajan
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1 to R3

ORDER

This writ petition has been filed for a direction to the respondent police to grant police protection to the petitioner in order to enable the petitioner to put up fencing / compound wall in the subject property in the light of the Decree that was passed in favour of the petitioner in O.S.No.214 of 2001, dated 10.09.2001.

2.The learned Additional Public Prosecutor on instructions submitted that based on the earlier complaint that was given by the petitioner, the same was enquired in CSR No.1362 of 2023. During the enquiry, the rival party gave an undertaking that they will not put up any construction in the the property and they will not obstruct the petitioner in fencing the property. This CSR is also pending.

3.The learned counsel for the petitioner submitted that the rival party in spite of giving such an undertaking, managed to put up a structure and is now pressurizing the petitioner to fence the property by leaving out the structure. In view of the same, the present writ petition has been filed before this Court.



4. Taking into consideration the facts and circumstances of the case and the fact that there is already a Civil Court Decree passed in O.S.No.214 of 2001 and rival party had already given an undertaking that they will not put up any structure and that the petitioner can fence the property and no disruption will be caused, there shall be a direction to the 3rd respondent to ensure that the petitioner is able to fence her property as per the Civil Court Decree and if any law and order problem is created, action shall be taken in accordance with law. The police protection shall also been granted. If attempt is made to stop the fencing on the ground that the photo of portrait of some political leader is kept inside the property, the same shall be removed and the petitioner shall be allowed to fence the property.

5. This writ petition is disposed of with the above direction. No Costs.

27.02.2024

Index : Yes/No

Internet : Yes/No

ssr

To

1. The District Munsif, Perambalur.

2. The Superintendent of Police,
Perambalur,
Perambalur District.



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N. ANAND VENKATESH, J.

SSR

3. The Deputy Superintendent of Police,
Perambalur Taluk,
Perambalur District.

4. The Inspector of Police,
Perambalur Police Station,
Perambalur Town and District.

5. The Public Prosecutor,
High Court, Madras.

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