



W.P.No.9424 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 24.06.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

W.P.No.9424 of 2024

P.Thangaraj.

... Petitioner

/versus/

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

2. The Inspector of Police,  
Uthukuli Police Station,  
Tiruppur District.

3. M.Ramakrishnan,

4. R.Roja.

... Respondents

**Prayer:** Writ Petition has been filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents 1 and 2 to provide adequate police protection for transportation of water for irrigation and for household usage for the properties situated in Tiruppur District, Uthukuli Taluk, Kavundampalayam Village comprised in Survey No.21/1, 21/2, 21/3 and 22 to an extent of 1.34.5 hectare (Old Survey No.25) and to pass suitable orders on the facts of the case.

For Petitioner : Mr.S.Kaithamalai Kumaran

For R1 & R2 : Mr.K.M.D.Muhilan  
Government Advocate (Crl.Side)

For R3 & R4 : Mr.S.Kousik



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## **ORDER**

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The petitioner herein seeks police protection to draw water from the well in which they have 1/3<sup>rd</sup> share. Alleging that the private respondents 3 & 4 who have 2/3<sup>rd</sup> share in the well preventing the petitioner from drawing water in the well, in spite interim order of status quo by the competent civil Court.

2. The Learned Counsel appearing for the private respondents 3 & 4 states that in fact the police protection is required for the respondents 3 & 4 since the petitioner under the guise of status quo order, is trying to prevent the respondents from drawing water from the well. He has also tried to sever the power supply to the motor used for drawing water. He has further submitted that the petitioner is in fact disturbing the enjoyment of common pathway and well.

3. The Learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 has filed counter stating that after receipt of the complaint from the petitioner, enquiry was conducted and found that there is a civil dispute between the parties regarding right over the well. Their title deed as it is confers 1/3<sup>rd</sup> share to the petitioner through a gift settlement deed and 2/3<sup>rd</sup> share



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been purchased by the private respondents from the legal heirs, who have inherited through *Will*.

4. Record indicates that regarding right over the property, the parties already agitating before the 1<sup>st</sup> Additional District Judge, Tiruppur in O.S.No.647 of 2022. The *will* executed by the mother of the petitioner, which is the source for the respondents herein to claim title is under dispute. The trial Court, considering the nature of the case has ordered status quo *vide* order dated 19.06.2023. The respondents 3 & 4 are third party purchasers based on the *Will*. Unless and until, the *Will* is found to be false and subsequent transfer of the property based on the *Will* is declared void, the respondents are entitled to enjoy 2/3<sup>rd</sup> share in the well and pathway as per the title deed. Therefore, till the disposal of the suit, the parties have to enjoy their right as per the title deed which they rely upon. The status quo order is intended to maintain the above said status i.e., 2/3<sup>rd</sup> right for the private respondents and 1/3<sup>rd</sup> right to the petitioner herein in respect of the common well and common pathway till the disposal of the suit.



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5. In the said circumstances, till the dispute pending in the Civil Court reaches finality, for convenience, the petitioner as well as the respondents 3 & 4 shall not interfere the enjoyment of the well and other common facilities of each other.

6. For the said purpose, the Learned Counsels appearing on either side agreed that the water from the common well will be drawn by the petitioner on Monday and Thursday. The private respondents 3 & 4, who are enjoying 2/3<sup>rd</sup> share as per the sale deed, shall draw water on Tuesday, Wednesday, Friday and Saturday. Both parties shall reserve Sunday. In exceptional circumstances if any one of them not able to draw water in any of the days in that week, they may be permitted to draw water on Sunday.

7. With the above direction, this Writ Petition is disposed of. No cost.

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Index : Yes/No.  
Neutral Citation : Yes/No.  
bsm



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Copy to:-

- 1.The Superintendent of Police, Tiruppur, Tiruppur District.
2. The Inspector of Police, Uthukuli Police Station, Tiruppur District.
- 3.The Public Prosecutor, High Court of Madras, Chennai.



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**Dr.G.Jayachandran,J.**

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