



W.P.No.13611 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM

THE HON'BLE Dr.JUSTICE **G.JAYACHANDRAN**

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and

W.M.P.No.14762 of 2024

M/s.Great Lakes Multi-State
Co-operative Housing Society Limited,
Represented by its Chief Executive Officer,
Mr.Sakthivel
Having registered office at
No.76/190, South Car Street,
Srivalliputhur, Tamil Nadu-626 125.
Vs.

... Petitioner

1.The Principal Secretary to Government,
Home Department,
Secretariat, Fort St.George,
Chennai, Tamil Nadu-600 009.

2.The Director General of Police,
Dr.Radha Krishnan Salai,
Mylapore,
Chennai-600 004.

3.The Commissioner of Police,
Greater Chennai Police,
132, EVK Sampath Road,
Vepery, Chennai-600 007.



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4.The Deputy Commissioner of Police,
Butt Road, St.Thomas Mount,
Chennai-600 016.

5.The Assistant Commissioner of Police,
St.Thomas Mount, Alandur,
Chennai-600 016.

6.The Inspector of Police,
S1, St.Thomas Mount Police Station,
Alandur, Chennai-600 016.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records leading to the issuance of the order dated 01.11.2023 passed by the 6th respondent and quash the same and consequently to direct the respondents 4 to 6 to provide police protection to petitioner society to reconstruct the demolished rear portion of the compound wall of the subject property, within a time frame.

For Petitioner : Mr.G.Karthikeyan, Senior counsel
for Mr.B.Arvind Srevatsa

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

This Writ Petition is filed seeking police protection for the land owned by the petitioner who is the M/s.Great Lakes Multi-State



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Cooperative Society. A piece of vacant land measuring 50 cents owned by the petitioner's Society been attempted to be encroached by the land grabbers which has led to registration of a criminal complaint and same is pending. While so, a rival claim seeking title over the property by way of writ petition filed by one S.P.Vairavan came to be allowed by a single Judge of this Court. However, reversed by a Division Bench vide order dated 25.03.2024 in W.A.No.3348 of 2023 with direction that a document in favour of the petitioner executed in the year 17.05.2013 been questioned after 9 years by way of writ petition and the order of the single Judge to set aside the sale deed is not in accordance with law, since the Registrar has no authority to cancel the duly registered documents.

2. In the said circumstances having ascertained the title in their favour which has been executed in the year 2013, the petitioner herein has sought for police protection to put up fence along with boundary of the property. In this connection, the Sub Inspector of Police while considering the representation seeking protection has invited the parties



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for enquiry and thereafter, passed proceedings on 01.11.2023 declining to provide protection on the premise that the parties who claim right over the property should not possess the title document and therefore, they have to work out their remedy before the civil Court seeking police protection.

3. However, from the documents and record relied by the learned senior counsel appearing for the petitioner, it is clear that the society which is the owner of the property and in possession of the same had produced necessary documents to the police. While seeking police protection to put up fence the boundary of the property, ignoring the same, the Inspector of Police had declined to give police protection. While fact being so, it is now been represented by the learned counsel for Asset Reconstruction Company ARIC who is one of the counter petitioners before the Inspector of Police, St.Thomas Mount Police Station that the said property has now been taken over by the ARIC, since the borrower who has mortgaged the property as security has failed to pay the loan amount. In the claim of the ARIC now does not appears



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to be based on document even if they have semblance of right over the said property, same has to be established by way of declaration before the competent Civil Court. As on date the sale deed in favour of the petitioner herein executed on 31.08.2012 vesting with possession to the society stands undisturbed and to protect the same, they have every right to fence the boundary and for fencing the property, they are entitled to get police protection.

4. This Court also records that if at all, if there is any rival claim over the property, such rival claimant has a better title than the petitioner herein, the same has to be established before the Court of law and the present order directing the police to give protection to put up fence in the property, to protect the same shall have no bearing in the rival claim if any, by any person who in future establishes the right or title in the manner known to law. Hence the respondent police is directed to give police protection for putting up fence in the property and take action against any person who disturb or prevent putting up fence.



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5. With the above direction, this Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation : Yes/No

To

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2.The Director General of Police,
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6.The Inspector of Police,
S1, St.Thomas Mount Police Station,
Alandur, Chennai-600 016.

7.The Public Prosecutor,
High Court of Madras,
Chennai



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Dr.G.JAYACHANDRAN, J.

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