



WEB COPY



W.P.No.21383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.21383 of 2024

M.Palani.

... Petitioner

/versus/

1. The Superintendent of Police,
O/o Superintendent of Police,
Krishnagiri District, Krishnagiri.

2. The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Bargur Range,
Bargur,
Krishnagiri District.

3. The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.

4. Murugesan.

5. Sakkaravarthi.

6. Prakash.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue Writ of Mandamus directing the pt respondent to pass appropriate orders to 2nd & 3rd respondents to provide police protection for putting up fencing to the petitioner property at Survey Number S.No.137/1 with on extent of 27



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Cents situated at Thimminaikempatti Village Pochampalli Taluk, Krishnagiri District due to the hindrance and unnecessary disturbance caused by the respondents 4th to 6th and the petitioner life and limb by consider to the petitioner's representation dated on 19.06.2024.

For Petitioner : Mr.T.Elumalai
For R1 to R3 : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)
For R4 to R6 : Mr.E.Kannadasan.

ORDER

This writ petition is filed seeking mandamus directing the 1st respondent/Superintendent of Police, Krishnagiri to provide police protection for putting up fence in the petitioner's land bearing S.No.137/1 to an extend of 27 cents.

2. In the present petition, it is alleged that respondents 4 to 6 are unnecessarily distributing the peaceful possession and enjoyment of the petitioner in respect of the above said property and the representation given to the police on 19.06.2024 not acted upon. The Inspector of Police, Pochampalli Police Station, who is the 3rd respondent in this Writ Petition has filed counter



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stating that on receipt of the complaint and enquiring the petitioner in C.S.R.No.197 of 2024, the civil dispute between the parties regarding the pathway has come to light and both the parties who appeared for enquiry on 11.06.2024 informed the police that they will approach the civil court and solve their dispute.

3. The Inspector of Police, Pochampalli Police Station/3rd respondent police will afford necessary protection to the petitioner upon getting suitable orders from the competent Court or from the Revenue Officials confirming the title of the petitioner in S.No.137/1 measuring 27 cents.

4. The Learned Counsel appearing for the private respondent states that the villagers have filed representative suit before District Munisf Court Pochampalli in O.S.No.88 of 2024 in respect of pathway running through the land of the petitioner and suit is pending.

5. The averments made in the Writ Petition, the counter filed by the 3rd respondent/Inspector of Police, Pochampalli Police Station and the submissions made by the Learned Counsel appearing for the private respondents 4 to 6 would indicate that fencing of the petitioner's property at



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S.No.137/1 can only be subject to outcome of the dispute pending before the

Civil Court regarding pathway. However, the pendency of civil suit cannot be a tool for the private respondents or other villagers to cause any physical harm to the petitioners herein and also the private respondents cannot prevent the petitioner from putting up fence in the undisputed portion of the land.

6. Therefore, it is appropriate to dispose of the writ petition, directing the respondent police to act upon the petitioner's complaint or representation if any crime is committed regarding the petitioner's property or person.

7. As far as police protection for fencing, this Court makes clear that, it shall be only subject to the out come of the pending suit and at the request of the Revenue Authorities, ascertaining the boundaries of the undisputed portion of the petitioner's property.

8. With this observation, this Writ Petition is disposed of. No costs.

19.10.2024



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Index : Yes/No

Neutral Citation : Yes/No

bsm

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O/o Superintendent of Police,
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2. The Deputy Superintendent of Police,
O/o Deputy Superintendent of Police,
Bargur Range,
Bargur,
Krishnagiri District.

3. The Inspector of Police,
Pochampalli Police Station,
Krishnagiri District.

4. The Public Prosecutor, High Court, Madras.



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