



W.P.No.23318 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.23318 of 2024

M.Ganesan

...Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Harur Sub Division,
Dharmapuri District.

3. The Inspector of Police,
Harur Police Station,
Dharmapuri District.

4. M.Krishnamoorthy

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to take action by preventing the fourth respondent from causing any disturbance to the petitioner in compliance with the judgment and decree dated 15.02.2021 made in O.S.No.104 of 2016 on the file of the Ld.District Munsif Court, Harur as held in 2014 (2) CTC 695 by



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considering the petitioner's representation dated 20.07.2024.

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For Petitioner : Mr.N.Manoharan

For Respondents : Mr.S.Udayakumar
Government Advocate (Crl. Side)
for RR1 to 3

Mr.R.Asokan, for R4

ORDER

The petitioner herein being fortified with the Court decree passed in OS No.104 of 2016 on the file of the District Munsif Court, Harur, seeks protection of piece of land declared in his favour and to prevent the fourth respondent from causing any disturbance to the petitioner's property.

2. The case of the petitioner is that based on a Partition Deed in the year 1985, the ancestral properties were divided among the brothers. The petitioner was allotted 5.85 acres of land in S.F.No.16/2B and 25 cents in S.F.No.16/2A to the fourth respondent. In the suit, the fourth respondent claimed the right to an extent of 27 cents, however, on analyzing the



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documents, the fourth respondent was declared ownership to the extent of 25 cents in the given Survey number.

3. The issue is regarding the cart track which finds place in the schedule of property annexed to the plaint. The said extent of land is now claimed grant ownership by the fourth respondent, whereas the petitioner claims that it is exclusive property and referred to the decree wherein the right has been asserted including the cart track. The schedule of properties described in the Partition Deed as well as in the plaint were read over to this Court by the respective counsels to emphasize the point regarding the ownership of the cart track, described in the decree. Normally, if it is a common cart track usable for joint owners, it will be specifically mentioned in the document. In this case, the Partition Deed speaks about the pathway while describing the property allotted to the petitioner herein. Insofar as the property allotted to the fourth respondent, the pathway leading from the Theerthamalai Main Road to the Vaniyar River and for access to the graveyard is mentioned.

4. This issue has been discussed by the Trial Court and taking note



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of UDR measurements, the right of the fourth respondent is restricted to 25 cents and nothing more. In the said circumstances, the petitioner herein has right to seek protection for his land as per the Court Decree.

5. Therefore, the Writ Petition is **allowed**, the respondent Police is directed to provide protection, if any need for the petitioner arises for protecting his property as per the Civil Court Decree. There shall be no order as to costs.

30.09.2024

jv

Internet: Yes/No

Index: Yes/No

speaking order/ Non Speaking order

Neutral Citation: Yes/No



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- To
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Dharmapuri,
Dharmapuri District.
 2. The Deputy Superintendent of Police,
Harur Sub Division,
Dharmapuri District.
 3. The Inspector of Police,
Harur Police Station,
Dharmapuri District.
 4. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G. JAYACHANDRAN, J.

jv

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