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W.P. No. 24666 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. No.24666 of 2024

M.Chandran

... Petitioner

Vs.

1. The Inspector of Police (Law and Order)
T-18, Thazhambur Police Station,
Pallikaranai Police District,
Tambaram Police Commissionerate,
Chennai.

2. N.Mohan

3. N.Raman

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, for the issuance of Writ of Mandamus, directing the 1st respondent to grant police protection for the petitioner's property situated at Old S.No.57/3, Patta No.763, New S.No.57/3B at No.23, Vengadamangalam Village, Chengalpattu District measuring to an extent of 1.01.0 Hectare or Acre 2.50 cents based on the report submitted by the 1st respondent dated NIL.



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W.P. No. 24666 of 2024

For Petitioner : Mr.G.V.Sridharan

For Respondents : Mr. S. Udaya Kumar,
Government Advocate (Crl.Side)
for R1

ORDER

The petitioner herein seeking police protection for the petitioner's property alleging that there is apprehension that the second and third respondents are likely to disturb the peaceful possession of the petitioner.

2. The learned counsel appearing for the petitioner submits that earlier when this petitioner has approached this Court for a similar relief, this Court in WP.No.13175 of 2024 vide order dated 08.05.2024 directed the respondent police to consider the petitioner's representation after affording opportunity to the petitioner as well as the private respondent to pass appropriate orders on merits.

3. Accordingly, the respondent has conducted enquiry and after getting the report from the revenue authorities namely the Tahsildhar has found that the property in S.No.57/3B measuring 1.01.0 hectares under Patta No.762 stands in the name of Muruga Pillai, S/o.Gopala Pillai. The

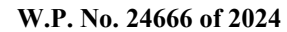


W.P. No. 24666 of 2024

petitioner has not made out any case of disturbance to his peaceful possession or enjoyment by the private respondent. No particulars regarding the nature of disturbance or the date on which his possession or enjoyment disturbed is mentioned in the representation or in the affidavit along with the writ petition.

4. The learned counsel appearing for the petitioner submits that on 14.03.2023 the complaint alleging third parties interfering with the possession of the property was given by one Senthil Velan, S/o. Ramachandran as against Mohan and Raman, sons of Nagulan and the same was registered in C.S.R.No.88 of 2023 and also states that on 26.04.2024 another representation was given by Chandran, S/o. Muruga Pillai.

5. However, this Court on perusing the C.S.R receipt and the complaint dated 26.04.2024 find that pursuant to this representation, the petitioner has approached this Court in W.P.No.13175 of 2024 and the same has been disposed of. It appears that enquiry been conducted by the Police and they have ascertain that the property stands in the name of Muruga Pillai, S/o. Gopala Pillai. Chandran who is the petitioner,



6. However, the complaint as well as the present petition is filed by one Senthil Velan claiming himself as power of attorney. In the complaint dated 26.04.2024, it is specifically stated that the suit is pending before the District Munsif Court, Chengalpet initiated by Chandran through power agent Senthil Velan, wherein the respondents 2 to 3 are defendants.

7. While dispute regarding possession and enjoyment been seized of competent civil Court, it is not appropriate to direct the police to give protection to the petitioners herein who is one of the disputing party. Such direction will prejudice to the interest of other party who is contesting the matter before the competent Civil Court. Hence, this Writ Petition stands dismissed.

27.08.2024

$$V_v$$

To



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The Inspector of Police (Law and Order)
T-18, Thazhambur Police Station,
Pallikaranai Police District,
Tambaram Police Commissionerate,
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Dr.G.JAYACHANDRAN,J.



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W.P. No. 24666 of 2024

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