



WEB COPY



Crl. O.P.No.22032 of 2024

For Petitioner : Mr.P.Govindarajan
for Mr.B.Sethupathi
For Respondents : Mr. K.M.D.Muhilan
Government Advocate (Crl.Side)
for R1 to R5

: Mr.V.Saravana Rangan for R5

ORDER

The petitioner herein who claims title over 5400sq.ft of land comprised in T.S.No.66, which situated at Old No.22 and New No.235, Choolaimedu High Road, Chennai-600 094 seeks police protection for peaceful enjoyment, since the fifth respondent under the protest of ownership and civil suit disturbing and restraining the petitioner from erecting fence in his property.

2. Notice was sent to the fifth respondent and the learned counsel for the fifth respondent appeared and made his submissions.

3. The point involved in this case is that the property situated in Old No.22, New No.235 of Choolaimedu High Road measuring about 6000 Sq.ft. originally owned by one Gnanambal and through her Will, property has been devolved in favour of the beneficiaries under the Will.

In this connection, there is dispute between the owners and Civil Suit in



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O.S.No.9368 of 2009 been initiated by one Chandra Sekar. After his demise, his legal heirs were impleaded. The suit was initially filed against the fifth respondent and others. Later, the fifth respondent got himself has transposed seventh plaintiff and contested the matter.

4. In the suit the plaintiff Chandra Sekar claimed 1329 sq.ft of land in the subject property and sought for injunction. However, in the course of trial, there was inconsistency in his claim and he restricted his claim to 500 sq.ft called out from 6000 sq.ft. Apart from O.S.No.9368 of 2009, there was previous suit for declaration and delivery of possession by the original owner Gnanambal in respect of 500 sq.ft. The said suit O.S.No.3676 of 1997 was dismissed and appeal in A.S.No.682 of 2006 was allowed. As against the judgement, the second appeal in S.A.No.614 of 2009 pending.

5. Taking note of these facts, the trial Court in O.S.No.9368 of 2009 dismissed the suit for injunction filed in which the fifth respondent C.Babu is the 7th plaintiff. It is reported that 5th respondent has preferred appeal against the Judgement in O.S.No.9368 of 2009 and the same is pending as A.S.71 of 2024.



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6. In the given facts and circumstances, the petitioner herein who has title over 5400 sq.ft and been affirmed by decree of the Court. The dispute now pending is only in respect of 500 sq.ft. While so, the fifth respondent herein cannot prevent the petitioner herein from fencing his land measuring 5400 sq.ft which is as of now not been prohibited by any order of injunction in favour of the fifth respondent. Therefore this Criminal Original petition is allowed directing the respondent police to provide protection to the petitioner herein as per the title document and the court decree.

18.10.2024

Vv

To

1. The Commissioner of Police,
Veppery, Chennai.
2. The Deputy Commissioner of Police,
Arumbakkam, Chennai.
3. The Assistant Commissioner of Police,
Arumbakkam, Chennai.
4. The Inspector of Police,
Choolaimedu Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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