



W.P.No.26831 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

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Kombaiyaa

... Petitioner

Vs.

1. The Superintendent of Police,
O/o The Superintendent of Police,
Krishnagiri District.
2. The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
Dhenkanikottai.
3. The Inspector of Police,
Anjetti Police Station,
Krishnagiri District.

4. Lingappa

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to given a suitable police protection to the petitioner and his property in Survey Nos. 192/8, 192/5, 192/4A, 192/5B.192/5C, 192/8 situated at Thakatti revenue village Dhenkanikottai Sub Registration, Krishnagiri District from the hands of the 4th respondent in pursuant to petitioner representation dated 27.07.2024.



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For Petitioner : Mr.P.Muthamizh Selvakumar
For R1 to R3 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
For R4 : No appearance

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents 1 to 3 to given a suitable police protection to the petitioner and his property in Survey Nos. 192/8, 192/5, 192/4A, 192/5B.192/5C, 192/8 situated at Thakatti revenue village Dhenkanikottai Sub Registration, Krishnagiri District from the hands of the 4th respondent in pursuant to petitioner representation dated 27.07.2024.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the official respondents and perused the materials available on record.



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3. Learned counsel for the petitioner submitted that the land in the abovesaid survey numbers were originally purchased by the petitioner's father. Though the private respondent along with other relatives, tried to encroach the said property, they filed a civil suit in O.S.No.184 of 2010 on the file of the District Munsif cum Judicial Magistrate, Dhenkanikottai and the same was dismissed for default on 09.02.2024. Since the private respondent disturbed the peaceful possession and enjoyment of the property, the petitioner had given representation dated 27.07.2024 seeking police protection, before the second respondent. Since no action was taken by the official respondent, the petitioner has filed the present writ petition.

4. With regard to the civil dispute between the petitioner and the private respondent, it is seen that the private respondent had not followed the civil suit in O.S.No.184 of 2010 on the file of the District Munsif cum Judicial Magistrate Court, Dhenkanikottai. Considering the fact that there is a civil dispute involved between the parties, this Court is



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not inclined to grant the relief as sought for by the petitioner.

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5. In view of the above, the Writ Petition is dismissed. However, the petitioner is at liberty to work out his remedy before the competent civil court. There shall be no order as to costs.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Superintendent of Police,
O/o The Superintendent of Police,
Krishnagiri District.
2. The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
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4.The Public Prosecutor,
High Court, Madras



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P.VELMURUGAN, J.

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