



W.P.No.28333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.28333 of 2024

M.Chinnasamy

... Petitioner

Vs.

1. State rep.by the Superintendent of Police,
Erode District.

2. The Inspector of Plice,
Kadathur Police Station,
Kadathur, Erode District.

3. R.Senthil Kumar

4. P.Rajalakshmi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 and 2 to provide adequate police protection to the petitioner for fencing the property comprised in Old Survey No.434 and in new Survey No.801/3D2 situated at Karattupalayam Village, Gobichettipalayam Taluk, Erode District measuring an extent of 0.50 Acres, by considering the representation dated 05.09.2024.

For Petitioner : Mr.S.A.Sayed Shuhaibb

For Respondents : Mr.S.Vinoth Kumar

Govt. Advocate (Crl.Side) for RR1 & 2

Mr.V.AnandhamurthyKoushik for R3 & R4



W.P.No.28333 of 2024

ORDER

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This petition has been filed seeking direction to the first and second respondents to provide adequate police protection to the petitioner for fencing the property comprised in Old Survey No.434 and in new Survey No.801/3D2 situated at Karattupalayam Village, Gobichettipalayam Taluk, Erode District measuring an extent of 0.50 Acres, by considering the representation dated 05.09.2024.

2 According to learned counsel for the petitioner he purchased the subject property vide sale deed in Doc.No.1521 of 2024 dated 16.04.2024 on the file of the SRO, Nambiyur and revenue records have also been mutated and patta also issued in Patta No.2277 and now the petitioner is in peaceful possession and enjoyment of the property. The respondents 3 and 4, being the neighbours, illegally entering into the subject property, in his absence and causing nuisances by uprooting the plants planted by the petitioner. Therefore the petitioner decided to fence his property and started the work, but the respondents 3 and 4 have trespassed into the property and prevented further fencing and also threatened the petitioner with dire consequences. Hence the petitioner made representation to the first and second respondents, but there is no response for the same. Therefore the petitioner filed the present petition,



W.P.No.28333 of 2024

seeking police protection to fence his property.

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3 Heard the learned counsel on either side and perused the materials available on record.

4 A careful reading of the materials shows that there is civil dispute and there is cloud in title over the subject property. The petitioner has also admitted that 80% of the fencing work completed. It is seen that the respondents 3 and 4 filed a suit in O.S.No.86 of 2020, for partition and declaration, in which the property of the petitioner also shown as one of the items in the suit schedule properties. Therefore this Court is not inclined to pass any orders in the criminal original petition. However, even though the petitioner is not a party to the above suit, the petitioner's vendor and their predecessors are shown as defendants in the above suit and hence the petitioner is at liberty to workout his remedy in the manner known law.

5 With the above directions, this writ petition stands dismissed.

05.11.2024

Speaking Order/Non Speaking Order

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To

1. The Superintendent of Police, Erode District.
2. The Inspector of Plice, Kadathur Police Station,
Kadathur, Erode District.



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W.P.No.28333 of 2024

P.VELMURUGAN, J.,

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W.P.No.28333 of 2024

05.11.2024