



W.P.No.29334 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.29334 of 2024

N.Varshitha

... Petitioner

Vs.

1. The Superintendent of Police,
District Police Office,
Krishnagiri- 635 001,
Krishnagiri District.

2. The Inspector of Police,
Bagalur Police Station,
Krishnagiri District.

3. The Sub Inspector of Police,
Berigai Police Station,
Crime No.199 of 2024,
Krishnagiri District.

4. The Revenue Tahsildar,
Shoolagiri Taluk,
Krishnagiri District.

5. K.Venugopal

6. Venkatraj

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to provide police protection to restore fencing for the petitioner's lands comprised in SF.No.190 / 2A2 (54 cents), SF.No.190 /2B1 (42 cents) SF. No.190 /4A (42 cents) and SF No.190 /8 (1.10 acres) in Dorapalli Village Schoolagiri Taluk Krishnagiri District pursuant to the survey conducted on 29/08/2024 by considering the petitioner representation dated 09/09/2024.

For Petitioner	: Mr.N.Manoharan
For R1 to R4	: Mr.S.Sugendran Additional Public Prosecutor
For R5 & R6	: Mr.E.Kannadasan

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the respondents 1 to 4 to provide police protection to restore fencing for the petitioner's lands comprised in SF.No.190 / 2A2 (54 cents), SF.No.190 /2B1 (42 cents) SF. No.190 /4A (42 cents) and SF No.190 /8 (1.10 acres) in Dorapalli Village Schoolagiri Taluk Krishnagiri District pursuant to the survey conducted on 29/08/2024 by considering the petitioner representation dated 09/09/2024.



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2. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the official respondents and the learned counsel appearing for the private respondents and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner's father purchased the abovesaid land by way of sale deed dated 08.11.2006. After demise of his parents, the petitioner and her sisters, who are the legal heirs are entitled to succeed to the property. Subsequently a release deed was executed by the petitioner's sister in favour of the petitioner. During survey of the said land, the private respondents trespassed into her land and preventing her to erect fencing and also abused her with filthy language and intimated with dire consequences. Hence the petitioner has filed a complaint against the private respondents before the third respondent and the same has been acknowledged by them in CSR No.129 of 2024 and no action has been taken by the respondent police. Hence he filed the present writ petition.



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4. Learned Additional Government Pleader appearing for the official respondents submitted that based on the complaint given by the petitioner, they registered a case against the private respondents and the investigation is under progress. Subsequently, the private respondents were also granted anticipatory bail.

5. On a perusal of the record, it is seen that the dispute between the private parties is civil in nature. Further, based on the complaint given by the petitioner, the respondent police has also registered a case as against the private respondents and the investigation is under progress. At this stage, direction as sought for by the petitioner cannot be granted and it is for the petitioner to workout her remedy before the competent forum.

6. In view of the above, the Writ Petition is dismissed. There shall be no order as to costs.

04.11.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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3. The Sub Inspector of Police,
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Crime No.199 of 2024,
Krishnagiri District.
4. The Public Prosecutor
High Court,
Madras.



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P.VELMURUGAN, J.

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