



WEB COPY



W.P.No.33047 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. No.33047 of 2023

and

WMP.No.32731 of 2023

M.Ravi Anand

... Petitioner

Vs.

1. The Superintendent of Police,
Ranipet District, Bharathi Nagar,Ranipet.
2. The Inspector of Police,
Timiri Police Station,
Timiri Arcot Taluk,
Ranipet District.
3. Narayanamurthy
4. N.N.A.Ekambaram
5. T.A.Shanmugam

... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, for the issuance of Writ of Mandamus, directing the 1st and 2nd respondents to evacuate the respondents 3 to 5 and their henchmen who has trespassed into the petitioner's vacant patta lands comprised in Survey No.648/51 Timiri Village having extent of 0.45 acres and to restrain them from entering into the petitioner's vacant patta lands along with a consequential direction to the respondents 1 and 2 to initiate appropriate criminal proceedings against the respondents 3 to 5 within a stipulated time.



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For Petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)
for R1 and R2

: Mr.S.A.Secular
for R3 to R5

ORDER

This Writ Petition is filed seeking mandamus to the respondent police to evict the respondents 3 to 5 and their henchmen who were trespassed into the petitioner's vacant patta land.

2. The learned counsel appearing for the petitioner submits that the dispute between the petitioner and respondents 3 to 5 is the subject matter of the civil suit which ended in favour of the petitioner herein and decree was passed confirming the title and possession of the petitioner by the Sub Court, Ranipet vide order dated 20.04.2017. While so, the respondents 3 to 5 with criminal intention forcibly trespassed into the land by damaging the fence and encroached upon the land by installing Nandhi and Lingam Statues in the centre of the property. The request to the respondent police to remove the trespassers from their property not



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been acted upon.

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3. The Inspector of Police, Timiri Police Station has filed a status report, wherein it is stated that the complaint of the petitioner been assigned in C.S.R.No.452 of 2022 on 26.10.2023 and the counter complaint was registered on 28.10.2023 in C.S.R.No.457 of 2023. In the course of enquiry, the parties were called and on their undertaking that they will work out the remedy before the Civil Court, both the complaints were closed on 28.10.2023. As on date, there is small construction with aluminium roofing sheet with Lingam Idol and all the villagers including the respondents 3 to 5 are visiting the said land on daily basis.

4. The respondents 3 to 5 have entered appearance through counsel, submits that the land in dispute belongs to one Kuppammal who gave her property measuring 45 cents for the madam, in the name of Gangadhara Swamy Madam. Seven disciples were identified from the Village and they are administering the property. A small shed has been constructed by the followers of Gangaram Swami and the villagers have assembled there for worship and other religious activities.



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5. The said Gangadhara Swamy Madam is running for more than 97 years. Out of 45 cents of land, five cents were acquired for expansion of Highway and compensation was paid to one Sakkubai and Malleshwari purportedly on their claim that they are legalheirs of one of the seven persons who were nominated by late Kupppammal under a Will dated 27.05.1926.

6. Referring a Public Interest Litigation filed in WP.No.14516 of 2023 for protecting the 40 cents of mutt land, the relief sought in the petition is opposed.

7. According to the petitioner, the dispute regarding ownership and possession of the property settled by the decree granted in O.S.No.221 of 2011 which declared right, title and interest of the plaintiff therein in respect of 0.16.0 hectares land or 0.45 acres besides granting a decree of permanent injunction restraining the respondents 3 to 5 from interfering in the peaceful possession. The declaration/injunction decree had reached finality.



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8. The petitioner herein is the son of Sakkubai. Therefore, the petitioner is well fortified by declaration and injunction decree which has considered the rival claim of the defendant that the Trust was created by Kuppammal and the same was registered on 24.01.2021 based on the Will of Kuppammal who has donated the land for the administration of the mutt. In the said circumstances, the private respondents or anybody who claims any right to administer the mutt cannot have a right to trespass into the land of the petitioner which has been confirmed and declared by a Court decree, unless and until the said decree is reversed or set aside by a competent Court.

9. Having been well fortified by a decree of competent civil Court there cannot be any criminal trespass or damage to the property in any manner. In the said circumstances, the respondent police is directed to give adequate protection to the property of the petitioner herein and see that there is no trespassers or encroachers in that land. If any such complaint comes to the notice of the respondent police necessary action must be taken.



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13.09.2024

Vv

To

1. The Superintendent of Police,
Ranipet District, Bharathi Nagar,
Ranipet.
2. The Inspector of Police,
Timiri Police Station,
Timiri Arcot Taluk,
Ranipet District.



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Dr.G.JAYACHANDRAN,J.

Vv

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