



W.P.(MD) No.4252 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.(MD) No.4252 of 2024

R.Rengasamy

... Petitioner

Vs.

1.The Inspector of Police,
Kallidaikuruchi Police Station,
Kallidaikuruchi,
Tirunelveli District – 627 416.

2.Kanaka

3.Lakshmanan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to provide police protection to the petitioner to take possession and to live in his house situated at No.92, Samathuvapuram, Iyan Singampatty Village, based on the order dated 05.01.2024 in O.S.No.175 of 2018 on the file of the Sub Court, Ambasamuthiram, by considering the petitioner's representation dated 11.02.2024.

For Petitioner : Mr.I.Arockia Selvaraj

For R1 : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

The learned Counsel for the Petitioner would submit that this Writ Petition had been filed seeking police protection based on the Decree of the Civil Court.

2. It is contention of the learned Counsel for the Petitioner that the Respondent 2 in this Writ Petition had filed a suit against the Petitioner and the Respondent 3 as Defendants. She had filed the Suit for a declaration that the Sale Deed registered as Document No.939/2015 is null and void. After full trial, the learned Sub Judge, Ambasamuthiram, as per Judgment dated 05.01.2024, dismissed the suit in favour of the Petitioner. Therefore, the Petitioner seeks police protection for the building and the life of the building.

3. The learned Additional Public Prosecutor would submit that based on the complaint of the Petitioner, the Respondent 1 had enquired. In the enquiry, the Respondent 2 wanted to pursue with the appeal. Therefore, the enquiry was closed.



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4. The learned Counsel for the Petitioner by way of reply to the submission of the learned Additional Public Prosecutor, would submit that this Court in an earlier order dated 28.06.2018 in CrI.O.P.No.22734 of 2017 in a similar case had directed the police to provide protection to the decree holder. He relied on the Paragraph Nos.3 to 6 of the order which read as under:

3. It is the case of the petitioner that her husband Kuthan was the owner of the agricultural land in Survey No.141/5 measuring a total extent 72 1/2 cents in 1.45 acres in Karadichithoor Village, Kallakurichi Taluk, Villupuram District and that, after his death, the patta was transferred in her name. While so, the title to the property was questioned by one Adhimulam, pursuant to which, civil litigations were initiated, which ultimately ended in favour of the petitioner in S.A.No.717 of 1993 by judgment dated 10.02.2017. It is the further contention of the petitioner that the S.L.P. that was filed by the opposite party was also dismissed by the Supreme Court on 10.01.2018.

4. Under such circumstances, when the petitioner made an application to the revenue authorities to survey



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and measure the land, the respondents 2 to 5 obstructed them and therefore, the petitioner gave a representation dated 11.10.2017 to the police, based on which, a petition enquiry was registered in CSR No.364 of 2017. Hence, the petitioner is before this Court seeking police protection.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side) for the State and the learned counsel for the respondents 2 to 5.

6. The fact remains that the petitioner has succeeded the civil litigation and the Supreme Court has also dismissed the S.L.P. filed by the opposite party. Under such circumstances, this Court directs the respondent police to offer necessary police protection to the revenue officials as and when they come to the land in question for survey and measurement.

5. Considering the submission of the learned Counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent 1, since the case had ended in favour of the Petitioner and the Plaintiff had approached the Appellate Court, this is not a fit case for issuing direction to the police. In appropriate cases, the appeal is filed



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seeking interim order from the Appellate Court. Since the Trial Court had only dismissed, the Plaintiff had moved the appeal as per the enquiry report of the police.

6. Accordingly, this Writ Petition is dismissed. No cost.

23.02.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

To :

- 1.The Inspector of Police,
Kalidaikuruchi Police Station,
Kalidaikuruchi,
Tirunelveli District – 627 416.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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