



W.P.No.1090 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1090 of 2025

K.Kutty

... Petitioner

Vs.

1. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.

2. The Sub-Inspector of Police,
Papparapatti Police Station,
Pennagaram Taluk,
Dharmapuri District.

3. Kumaresan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to give suitable police protection to the petitioner to measure the property in Survey No.142/5, Onnappagounden Halli Village, Pennagaram Taluk, Dharmapuri District.

For Petitioner : Mr.C.Munusamy

For Respondents

For R1 & R2 : Mr.A.Gopinath

Government Advocate (Crl. Side)

For R3 : Mr.S.Velmurugan



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ORDER

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This writ petition has been filed seeking police protection while surveying the petitioner's property comprised in Survey No.142/5 situated at Onnappagounden Halli Village, Pennagaram Taluk, Dharmapuri District.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner had purchased a land ad-measuring 70 cents comprised in Survey No.142/5, situated at Onnappagounden Halli Village, Pennagaram Taluk, Dharmapuri District, from one Venkatachalam, by way of registered sale deed vide document No.6176 of 2024 dated 30.08.2024. The petitioner's vendor purchased the said property through Court auction from the third respondent's father in R.E.P.No.12 of 2020 in O.S.No.16 of 2019 on the file of the Principal Sub Court, Dharmapuri. Now the third respondent is being the son of the respondent in E.P.No.12 of 2020, filed suit in O.S.No.494 of 2024 for partition as against his father and subsequent purchasers including the petitioner and for declaration declaring that the judgment passed in



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O.S.No.16 of 2019 by the learned Principal Sub Judge, Dharmapuri and

the subsequent sale deeds are as null and void.

4. Now the title is in the name of the petitioner vide registered sale deed dated 30.08.2024, vide document No.6176 of 2024. According to the petitioner, he is in possession and enjoyment of the subject property. The third respondent claiming his share in the subject property and the suit is pending for declaration and partition. In the mean while, the petitioner submitted application to survey his property along with requisite fee with the revenue officials. However, the third respondent has obstructed the surveyor to survey the petitioner's land.

5. In view of the above facts and circumstances, if the surveyor finds any hindrance at the hands of the third respondent, he can very well approach the second respondent for police protection. On receipt of the same, the second respondent is directed to conduct enquiry and pass orders to provide police protection to the surveyor to survey the petitioner's land.



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04.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
rts



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To

1. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.

2. The Sub-Inspector of Police,
Papparapatti Police Station,
Pennagaram Taluk,
Dharmapuri District.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

rts

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