



W.P.No.5536 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM:

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

W.P.No.5536 of 2023

and

W.M.P.Nos.5556 & 5559 of 2023

Ponnusamy

... Petitioner

Vs.

1.The Inspector of Police,
Kinthukadavu Police Station,
Kinthukadavu,
Coimbatore District.

2.P.Mylsamy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorari, to call for the entire records relating to the Impugned Notice dated 24.11.2022 passed by the 1st respondent and quash the same.

For Petitioner	:	Mr.L.Mouli
For R1	:	Mr.K.M.D.Muhilan Government Advocate (Crl.Side)
For R2	:	Mr.P.Dinesh Kumar



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ORDER

This Writ Petition has been filed challenging the notice dated 24.11.2022 issued by the first respondent.

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

3. The petitioner and his brother owned property admeasuring 1.67 acres comprised in S.F.No.46/B situated at Pottaiyandipurampu Village, Kinathukkadavu, Coimbatore, which was purchased by way of a registered sale deed dated 10.04.1981. Further the petitioner's brother owned land admeasuring 0.25 acres comprised in Old S.F.No.46, New S.F.No.46/B4 under patta No.122. The second respondent owned land admeasuring 0.89 acres, pursuant to the decree passed in O.S.No.517 of 1998 for permanent injunction, comprised in S.F.No.46/B4 situated at Pottaiyandipurampu Village, Kinathukkadavu, Coimbatore. Pursuant to the decree, the second respondent sought police protection at the hands of the petitioner in W.P.No.24765 of 2022. This Court, by an order dated 13.09.2022, directed the first respondent to conduct enquiry and pass orders. However, without issuing any notice to



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the petitioner, the first respondent passed an order not to interfere with the possession and enjoyment of the property comprised in S.F.No.46/B4, admeasuring 1.92 acres, situated at Pottaiyandipurampu Village, Kinathukkadavu, Coimbatore District. Even according to the second respondent, the injunction decree was granted only for the land admeasuring 0.89 acres. Therefore, police protection cannot be granted for the entire extent of the property.

4. In view of the above, the notice dated 24.11.2022 issued by the first respondent is restricted to an extent of 0.89 acres comprised in S.F.No.46/B4 situated at Pottaiyandipurampu Village, Kinathukkadavu, Coimbatore.

5. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

07.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.The Inspector of Police,
Kinthukadavu Police Station,
Kinthukadavu,
Coimbatore District.

2.The Public Prosecutor,
High Court of Madras, Chennai.

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