



W.M.P.Nos.24647, 24649, 23707, 23709 & 17007 of 2024
in W.P.No.13611 of 2024 and
Cont.P.No.1761 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :07.01.2025

Pronounced on :21.01.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.M.P.Nos.24647, 24649, 23707, 23709 & 17007 of 2024
in W.P.No.13611 of 2024 and Cont.P.No.1761 of 2024

W.M.P.No.24647 of 2024:

SP.Vairavan

..Petitioner/3rd Party

/versus/

1.Great Lakes Multi State Co-operative
Housing Society Limited,
Represented by its Chief Executive Officer,
Mr.Sakthivel, Having registered office at:
No.76/190, South Car Street,
Srivilliputhur, Tamil Nadu 626 125. ..1st Respondent/petitioner

2.The Principal Secretary to Government,
Home Department,
Secretariat, Fort St.George,
Chennai, Tamil Nadu 600 009.

3.The Director General of Police,
Dr.Radha Krishnan Salai,
Myapore,Chennai 600004.



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4.The Commissioner of Police,
Greater Chennai Police,
132, EVK Sampath Road,
Vepery, Chennai 600 007.

5.The Deputy Commissioner of Police,
Butt Road, St.Thomas Mount,
Chennai 600 016.

6.The Assistant Commissioner of Police,
St.Thomas Mount, Alandur,
Chennai 600 016.

7.The Inspector of Police,
S1, St.Thomas Mount Police Station,
Alandur, Chennai 600 016.

.. 2 to 7 respondents/1 to 6
respondents

Prayer: Miscellaneous Petition has been filed under Article 226 of
Constitution of India, praying to recall the order dated 06.06.2024 passed
by this Hon'ble Court in W.P.No.13611 of 2024.

W.M.P.No.24649 of 2024:

SP.Vairavan

..Petitioner/3rd Party

/versus/

1.Great Lakes Multi State Co-operative
Housing Society Limited,
Represented by its Chief Executive Officer,
Mr.Sakthivel, Having registered office at:
No.76/190, South Car Street,
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..1st Respondent/petitioner



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2.The Principal Secretary to Government,
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Dr.Radha Krishnan Salai,
Myapore,Chennai 600004.

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132, EVK Sampath Road,
Vepery, Chennai 600 007.

5.The Deputy Commissioner of Police,
Butt Road, St.Thomas Mount,
Chennai 600 016.

6.The Assistant Commissioner of Police,
St.Thomas Mount, Alandur,
Chennai 600 016.

7.The Inspector of Police,
S1, St.Thomas Mount Police Station,
Alandur, Chennai 600 016.

.. 2 to 7 respondents/1 to 6
respondents

Prayer: Miscellaneous Petition has been filed under Article 226 of the Constitution of India praying to implead the petitioner herein as a party respondent in W.P.No.13611 of 2024 and give him an opportunity to contest the case on merits.



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W.M.P.No.23707 of 2024:

Asset Reconstruction Company (India) Limited,
Represented by its power of Attorney, Mr.Koteeswaran,P.
#560-562, No.1G, Century Plaza, 1st Floor, Teynampet,
Chennai 600 018.

Registered Office at:

“The Ruby”, 10th Floor, 29, Senapati Bapat Marg,
Dadar (West), Mumbai 400 028.

..Petitioner/3rd Party

/versus/

1.Great Lakes Multi State Co-operative
Housing Society Limited,
Represented by its Chief Executive Officer,
Mr.Sakthivel, Having registered office at:
No.76/190, South Car Street,
Srivilliputhur, Tamil Nadu 626 125. ..1st Respondent/petitioner

2.The Principal Secretary to Government,
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Chennai, Tamil Nadu 600 009.

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Dr.Radha Krishnan Salai,
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Greater Chennai Police,
132, EVK Sampath Road,
Vepery, Chennai 600 007.

5.The Deputy Commissioner of Police,
Butt Road, St.Thomas Mount,
Chennai 600 016.



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6.The Assistant Commissioner of Police,
St.Thomas Mount, Alandur,
Chennai 600 016.

7.The Inspector of Police,
S1, St.Thomas Mount Police Station,
Alandur, Chennai 600 016.

.. 2 to 7 respondents/1 to 6
respondents

Prayer: Miscellaneous Petition has been filed under Article 226 of Constitution of India, praying to reopen the writ petition bearing W.P.No.13611 of 2024 by recalling the order dated 06.06.2024 passed by this Hon'ble Court in W.P.No.13611 of 2024.

W.M.P.No.23709 of 2024:

Asset Reconstruction Company (India) Limited,
Represented by its power of Attorney, Mr.Koteeswaran,P.
#560-562, No.1G, Century Plaza, 1st Floor, Teynampet,
Chennai 600 018.

Registered Office at:

“The Ruby”, 10th Floor, 29, Senapati Bapat Marg,
Dadar (West), Mumbai 400 028. ..Petitioner/3rd Party

/versus/

1.Great Lakes Multi State Co-operative
Housing Society Limited,
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Mr.Sakthivel, Having registered office at:
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3.The Director General of Police,
Dr.Radha Krishnan Salai,
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Greater Chennai Police,
132, EVK Sampath Road,
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5.The Deputy Commissioner of Police,
Butt Road, St.Thomas Mount,
Chennai 600 016.

6.The Assistant Commissioner of Police,
St.Thomas Mount, Alandur,
Chennai 600 016.

7.The Inspector of Police,
S1, St.Thomas Mount Police Station,
Alandur, Chennai 600 016. .. Respondents

Prayer: Miscellaneous Petition has been filed under Article 226 of Constitution of India, praying to suspend the order dated 06.06.2024 passed by this Hon'ble Court in W.P.No.13611 of 2024, pending disposal of the reopen petition.

W.M.P.No.17007 of 2024:

SP.Vairavan

..Petitioner/3rd Party

/versus/



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1.Great Lakes Multi State Co-operative
Housing Society Limited,
Represented by its Chief Executive Officer,
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Dr.Radha Krishnan Salai,
Myapore,Chennai 600004.

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Chennai 600 016.

6.The Assistant Commissioner of Police,
St.Thomas Mount, Alandur,
Chennai 600 016.

7.The Inspector of Police,
S1, St.Thomas Mount Police Station,
Alandur, Chennai 600 016. .. 2 to 7 respondents/1 to 6
respondents

Prayer: Miscellaneous Petition has been filed under Article 226 of



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Constitution of India, praying to grant leave to the petitioner herein to recall the order dated 06.06.2024 passed by this Hon'ble Court in W.P.No.13611 of 2024 and give him an opportunity to contest the case on merits.

For Petitioner :Mr.Vijay Narayan, Senior Counsel,
for Mr.N.Ramakrishnan
(in W.M.P.Nos.24647, 24649
and 17007/2024)

Mr.Mani Shankar, Senior Counsel for
Mr.Anirudh Krishnan in
(W.M.P.Nos.23709 & 23707 of 2024)

For R1 :Mr.Arvind Srevatsa in
(W.M.P.No.24647 & 24649 of 2024)

For R1 :Mr.Abudu Kumar Rajarathinam,
Senior Counsel for Mr.Arvind Srevatsa
(W.M.P.Nos.23709 & 23707 of 2024)

For R2 to R7 :Mr.V.J.Priya Darsana, Govt. Advocate

COMMON ORDER

The writ petitioner M/s Great Lakes Multi-State Co-operative
Housing Society Limited, having purchased a piece of land measuring 50
cents in survey No:16/18, Alandur Village, Tambaram Taluk,



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Kanchipuram District, through a registered sale deed dated 31.08.2012 from one Pangajam Ammal and had put up a compound wall to protect the property. Alleging that on 05.06.2023 at about 2.00 a.m, 40 persons wearing mask trespassed into the subject land, demolished the rear portion of the compound wall and attacked the security personnel assigned to guard the property, a complaint was given by the writ petitioner to the jurisdiction police. Since no action on the complaint was taken by the police, the Petitioner Society filed W.P.No.18082 of 2023 for a direction to give police protection to reconstruct the demolished compound wall and to investigate the complaint. During the hearing of the writ petition, the respondent police informed the Court that a case in Crime No:116 of 2023 was registered and it is under investigation. However, the police decided not to provide police protection to the writ petitioner's property and rejected the request vide an order dated 01.11.2023. The rejection order was never communicated to the writ petitioner and the said fact came to the knowledge of the writ petitioner only when the Government Pleader informed the Court on 08.03.2024 in the contempt petition No: 536 of 2024.



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2. This Court, on 06.06.2024 after being satisfied that though there is rival claim over the property, as on date the title stands in the name of the writ petitioner society, hence, observed that if any other rival claimant have better title, the same has to be established through the manner known to law. Till then, the right of the writ petitioner/the title holder to protect the property from illegal trespass cannot be deprived. Accordingly, passed the following order:-

“3. However, from the documents and record relied by the learned senior counsel appearing for the petitioner, it is clear that the society which is the owner of the property and in possession of the same had produced necessary documents to the police. While seeking police protection to put up fence the boundary of the property, ignoring the same, the Inspector of Police had declined to give police protection. While fact being so, it is now been represented by the learned counsel for Asset Reconstruction Company ARIC who is one of the counter petitioners before the Inspector of Police, St.Thomas Mount Police Station that the said property has now been taken over by the ARIC, since the borrower who has mortgaged the property as security has failed to pay the loan amount. In the claim of the ARIC now does not appears to be based on document even if they have



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semblance of right over the said property, same has to be established by way of declaration before the competent Civil Court. As on date the sale deed in favour of the petitioner herein executed on 31.08.2012 vesting with possession to the society stands undisturbed and to protect the same, they have every right to fence the boundary and for fencing the property, they are entitled to get police protection.

4. This Court also records that if at all, if there is any rival claim over the property, such rival claimant has a better title than the petitioner herein, the same has to be established before the Court of law and the present order directing the police to give protection to put up fence in the property, to protect the same shall have no bearing in the rival claim if any, by any person who in future establishes the right or title in the manner known to law. Hence the respondent police is directed to give police protection for putting up fence in the property and take action against any person who disturb or prevent putting up fence.”

3. On 10.06.2024, petitions to implead, to reopen and recall the above order by one SP.Vairavan filed claiming right over the property as joint owner along with 5 others duly purchased in the year 1989 -1990



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and with similar prayer by M/s Asset Reconstruction Co. India Ltd., (ARCIL) as the holder of the assignment by Indian Bank under the SARFASI proceedings against the owners of the land, who mortgaged a larger extent of land including the subject property was filed.

4. Pending disposal of the implead petition, SP. Vairavan also moved the Hon'ble Supreme Court for stay of order dated 06.06.2024.

5. The Hon'ble Supreme Court granted stay of the order dated 06.06.2024 and directed this Court to consider the recall application. Thus, the writ petition is taken up for fresh consideration.

6. The learned Senior Counsels representing the implead petitioners, made a detail submissions and placed before this Court the entire background of the case by providing dates and events.

7. The sum and substance of the implead petitioners case is that, M/s MVR group of companies represented by SP.Vairavan and



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others collectively purchased about 150 grounds of land Comprising S.Nos:16 to 21 of Alandur Village under various sale deeds during the period 1988 to 1990.

8. The property, which is subject matter of the writ petition measuring to an extent of 0.50 cents of land in S.No:16/18-A at Alandur Village, was purchased by SP.Vairavan and 4 other under 6 sale deeds between 19.06.1989 and 26.10.1990. In the year 1990, Indian Bank extended financial facilities to M/s MVR Groups of Companies and took the 120 grounds of land situated in S.Nos 16/3 , 16/6, 16/7, 16/9, 16/11, 16/14, 16/15, 16/16, 16/17, 16/18 A, 16/20 and parts of S.Nos: 17, 18, 19 and 21 as security by way of mortgage. **(It is to be noted that S.No 16/18 not included in the mortgage deed)**

9. Pursuant to default, recovery proceedings initiated and possession of the property was taken by the Bank under Section 13(4) of SARFASI Act. In the year 2007, vide assignment agreement dated 07.12.2007, Indian Bank assigned its debt together with the assets of the



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said MVR Group to ARCIL. Accordingly, the property mortgaged by MVR Group with the Indian Bank was taken over by ARCIL and is in possession of M/s ARCIL.

10. In the meantime, one SP Velayutham sold the subject property to his own son Amar, vide, sale deed, dated 05.07.2007. This transaction was challenged by M/s ARCIL in W.P.No.33462 of 2014. This writ petition was allowed by the Single Judge vide order dated 04.01.2016. The transfer of property by sale deed was quashed. Aggrieved by the said order, SP.Velayutham preferred appeal before the Division Bench in W.A.Nos.59 and 60 of 2016. The appeal was allowed and the order of the Single Judge was set aside by restoring the transaction by SP.Velayutam to his son Amar. In the Writ Appeals M/s Great Lakes Multi-State Co-operative Society (the writ petitioner herein) filed petition to implead on the premises that they are the real owner of the property by virtue of sale deed dated 31.08.2012 from its vendor Pankajam ammal. However, the said petition to implead was not entertained.



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11. Aggrieved by the order of the Division Bench, M/s ARCIL preferred appeal before the Hon'ble Supreme Court. The Hon'ble Supreme Court set aside the order of the Division Bench, restored the order of the Single Judge. Thus, the sale of the subject property by SP.Velayutham in favour of his son Amar vide, sale deed dated 05.07.2007 was set at naught. As a consequence the subsequent settlement by Amar back to Velayutham become non-est.

12. According to the petitioners herein Mr.Vairavan and M/s ARCIL, the sale deed of the writ petitioner is void and Pankajammal, the vendor of the writ petitioner is an impersonator. Pankajammal, sold the subject property to the writ petitioner in the year 2007, subsequent to the purchase of the property by Vairavan and others from the true descendants of Ramasamy Reddiar and Venkatarama Reddiar, who were the owners of the land. Whereas, from a person claiming herself as wife of Ramasamy Reddiar, the writ petitioners got the property situated at Alandur, registered at Tenkasi and claiming right and title over the property. Three criminal complaints against each other and petitions



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challenging the transfer of patta in favour of the writ petitioner are pending adjudication.

13. All said and done, admittedly, the complaint given by Vairavan to the IG of Registration to cancel the sale deed executed by Pankajammal in favour of the writ petition society, dated 01.12.2022, was sought to be disposed by issuing a writ of Mandamus. This Court in W.P.No.7370 of 2023 allowed the writ petition filed by Vairavan. Later, the same was set aside by the Division Bench in W.A.No: 3348 of 2023 vide order dated 25.03.2024 holding that the sale deed executed in favour of Great Lakes Multi State Society cannot be cancelled by virtue of Section 77 A of the Registration Act.

14. The transfer of patta in respect of the subject property, which was the subject matter in W.P.No.19489 of 2024 filed by the writ petitioner, ultimately ended in favour of the writ petitioner after filing contempt petition. The RDO had passed order restoring the patta in the name of the writ petitioner subject to the out come of the enquiry by the



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settlement Officer as ordered by this Court in W.P.No.31799 of 2019. The said enquiry is still pending.

15. Thus, as on date, the title is with the writ petitioner, the patta is also in the name of the writ petitioner. The prayer sought in the writ petition invoking the criminal jurisdiction is to give protection to the writ petitioner to re-construct the compound wall put up by them earlier, which was illegally demolished on 05.06.2023.

16. The Learned Additional Public Prosecutor representing the State informs the Court that after arrest of 5 persons, based on the CCTV footage, the investigation is yet to be completed in CrimeNo: 116 of 2023, dated 05.06.2023 given by Great Lakes.

17. This Court while exercising the power under criminal jurisdiction and the nature of the dispute in the case in hand, consciously ordered police protection for reconstruction of the compound wall put up by the writ petitioner society. No person can take law into their hands and



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demolish the property by force and threat. The person in actual possession has to be removed only by manner known to law and not otherwise. M/s ARCIL claims that it had taken into possession of the property through the assignment deed. However, there is dispute regarding the identity of the property. The mortgage deed and the assignment deed relied by the implead petitioners mentions the property situated at S.No:16/18 A. Whereas the Writ petitioner claims that they purchased 50 cents of land in S.No.16/18.

18. The Learned Counsel appearing for Vairavan claims that the property was subdivided and renumbered as S.No:16/18A. This is a disputed fact, which has to be clarified by the Settlement Officer before whom the matter is still pending. Likewise, though the identity of the vendor of the writ petitioner is doubted by the implead petitioner Vairavan, these are facts to be tested and decided by the appropriate Forum.

19. By raising doubt about the title of the writ petitioner, the



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writ petitioner right of protecting the property by fencing it cannot be taken away by illegal demolition. By providing police protection for reconstructing the compound wall, which was put up by the writ petitioner earlier, no way going to prejudice the implead petitioners, in case they succeed in their venture to establish their title over the property in the manner known to law. ARCIL right of assignment cannot be more than what the MVR Group possessed. The core issue in this case is, whether the writ petitioner has title and patta in respect of S.No:16/18 to protect it by fencing. The part of the fence put up by them in a nature of compound wall proved to be demolished on 05.06.2023 at early hours. To restore the status quo as on 05.06.2023, the order granting police protection is inevitable.

20. Therefore, this Court taking note of the sequence of events, holds that there is no necessity to recall the order dated 06.06.2024 except to make it clear that, the right of protection granted to the writ petitioner will not stand in the way of the rival claimants to prove their title or possession over the property in any manner before the appropriate



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authority. This order is passed to set right the act of illegality committed
on the early hours of 05.06.2023.

18. Accordingly, these Miscellaneous Petitions stand closed.

No costs.

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Index:yes

Internet:yes/no

Speaking order/non speaking order
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DR.G.JAYACHANDRAN,J.

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delivery Common Order made in
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