



W.P.No.23611 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

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

W.P.No.23611 of 2024

Ganesan

... Petitioner

Vs.

1. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
2. The Deputy Superintendent of Police,
Vandhavasi Circle,
Vandhavasi, Thiruvannamalai District.
3. The Inspector of police,
Vandhavasi South Police Station
Vandhavasi,
Thiruvannamalai District.
4. Mr.Sugumaran

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to give police protection based on the representation dated 25.07.2024 and permit the petitioner to construct compound wall in Old Survey Nos.291/2, 291/34, New Survey Nos.812/18, 812/19 admeasuring an extent of 2565 sq.ft. situated at Elangadu Village, Vandhavasi Taluk, Thiruvannamalai District.

For Petitioner : Mr. B.S.Manikandan



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For Respondents : Mr. A. Gopinath
Govt. Advocate (crl.side) for R1 to R3
Mr.V.R.Appaswamy - R4

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the respondent to give police protection based on the representation dated 25.07.2024 and permit the petitioner to construct compound wall in Old Survey Nos.291/2, 291/34, New Survey Nos.812/18, 812/19 admeasuring an extent of 2565 sq.ft. Situated at Elangadu Village, Vandhavasi Taluk, Thiruvannamalai District.

2. It is the case of the petitioner that he is the owner of the land in Old Survey Nos.291/2, 291/34, New Survey Nos.812/18, 812/19 admeasuring an extent of 2565 sq.ft. situate at Elangadu Village, Vandhavasi Taluk, Thiruvannamalai District. Since the 4th respondent and some other people prevented the petitioner to enter into the land for construction, the petitioner instituted a suit against them in O.S.No.14 of 2010 before the Sub Court, Cheyyar Thiruvannamali District seeking declaration and also permanent injunction. The said suit has been



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decreed in favour of the petitioner. Suppressing the above facts, the 4th respondent filed a suit in OS.No.304 of 2015 before the Addl. District Munsif Court, Cheyyar, Thiruvannamalai District for permanent injunction restraining the petitioner and his vendor from disturbing peaceful possession of the property and also to declare sale deed in Doc.No.4458 of 2009 as null and void. The said suit was dismissed with cost, against which, no appeal has been preferred by the 4th respondent till date. Thereafter, patta also has been issued in favour of the petitioner.

3. Whiles, on 30.06.2024, the 4th respondent along with his family members and henchmen entered into the petitioner's property and demolished the hut constructed by the petitioner and illegally fenced the same. Regarding the same, the petitioner lodged a complaint. As the 4th respondent has been intentionally preventing the petitioner from making construction in his land, he gave a representation to respondents 1 to 3 seeking protection for construction of compound wall in the property, but no action has been taken by the respondents till date.



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4. Heard the learned counsel for petitioner and learned Govt. Advocate (crl.side) appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent.

5. It is seen that the already the petitioner filed a suit for declaration in respect of the subject property and also obtained a decree in his favour. Even then, the 4th respondent is disturbing the peaceful possession and enjoyment of the petitioner over the subject property and has been preventing him from constructing any compound wall in and around the property. In view of the above, the 3rd respondent is directed to enquire on the complaint lodged by the petitioner, after issuing notice to the petitioner and 4th respondent and pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of with the above direction. No costs.

20.02.2025

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



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G.K.ILANTHIRAIYAN, J.

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