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W.P.Crl.No.370 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Crl.No.370 of 2025

S.Maheshwaran

... Petitioner

Vs.

1. Inspector of Police,  
Kaveri Pattinam Police Station,  
Kaveri Pattinam,  
Krishnagiri District.

2. K.Mathesh

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of Constitution of India, praying to issuance of Writ of Mandamus, directing the 1<sup>st</sup> respondent to provide necessary Police protection to fencing the property in Survey No.29/4, Jagadab Janappara Halhi Village, Krishnagiri Taluk and District.

For Petitioner : Mr.J.Franklin

For Respondents : Dr.C.E.Pratap  
Government Advocate (Crl.Side)  
for R1



W.P.Crl.No.370 of 2025

## **ORDER**

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The Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent-Police to provide necessary Police protection to fence the property in Survey No.29/4, Jagadab Janappara Halhi Village, Krishnagiri Taluk and District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for first respondent and perused the materials available on record.

3. Since no adverse order is being passed as against the second respondent affecting his interest, notice to the second respondent is hereby dispensed with.

4. According to the petitioner, he acquired right over the above mentioned property under a sale deed Document No.1795/2018 executed by the second respondent herein. Though the second respondent herein refused to register the said sale deed, the petitioner filed a suit in O.S.No.10 of 2015 before the District Court, Krishnagiri and obtained a decree in his favour. Since then, he was in peaceful possession and



W.P.Crl.No.370 of 2025

enjoyment of the said property. Therefore, the petitioner submitted online application seeking survey of the land. The official respondents have not taken any steps to survey the land, due to the influence of the second respondent, who is a local politician and hence, the petitioner had filed a writ petition in W.P.No.29243 of 2024 seeking a direction to the respondents to survey the aforesaid property. As per the directions of this Court dated 03.10.2024, the said property has been measured by the surveyor through Police aid. Thereafter, when the petitioner made an attempt to fence the said property, the second respondent threatened and attacked the petitioner, due to which, the petitioner sustained injuries and hence, the petitioner lodged a complaint before the first respondent-Police and FIR in Crime No.192 of 2025 for the offences punishable under Sections 296(b) and 115(2) of the Bharatiya Nyaya Sanhita, 2023 has been registered against the second petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the first respondent-Police, on instructions, submitted that the first respondent-Police had already completed the investigation in Crime No.192 of 2025 and charge sheet has been filed before the Judicial Magistrate No.I,



W.P.Crl.No.370 of 2025

Krishnagiri and the same was taken on file in S.T.C.No.1151 of 2025.

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6. It is seen from the records that there was a property dispute between the petitioner and the second respondent herein, and the petitioner had already approached the District Court, Krishnagiri in O.S.No.10 of 2015 and obtained a decree in his favour and also took possession of the subject property. Now, the petitioner has come forward with the present petition seeking Police protection to fence the subject property. The Writ Court cannot conduct a roving enquiry regarding title, possession and rights of the parties, as the Civil Court had already decided the title, possession and rights of the parties and it is for the petitioner to workout his remedy before the competent civil Court in a manner known to law. Therefore, this Court is not inclined to grant the relief sought for by the petitioner in the present petition. Accordingly, the Criminal Original Petition is disposed of.

**25.07.2025**

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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W.P.Crl.No.370 of 2025

To

1. The Judicial Magistrate No.I,  
Krishnagiri.
2. The Inspector of Police,  
Kaveri Pattinam Police Station,  
Kaveri Pattinam,  
Krishnagiri District.
3. The Public Prosecutor,  
High Court, Madras.



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W.P.Crl.No.370 of 2025

**P.VELMURUGAN, J**

ms

W.P.Crl.No.370 of 2025

25.07.2025