



WEB COPY

WP No. 25675 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 25675 of 2024

1. K.S.Kousalya
W/o.Late.K.E.Sakthivel, No.211/138,
Sittumariamman Koil St.,
Tharamangalam Main Road, Old
Suramangalam, Salem -636 005

Petitioner(s)

Vs

1. The Superintendent Of Police
Office Of The Superintendent Of
Police, Salem District.

2.The Inspector Of Police
Irumbalai Police Station, Salem
District-636 030

3.S.Rajeshver
S/o.K.E.Sivaramakrishnan,
No.212/139 Sittumariamman Koil
Street, Tharamangalam Main Road,
Old Suramangalam, Salem-636 005.

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India for
issue of Writ of Mandamus to direct the 2nd respondent to provide adequate



police protection to remove the fencing and notice board from the property comprised in S.No.25/8A, to an extent of 24 cents (10464 sq.ft.) in Thalavaipatty Village, Salem West Taluk, Salem District within the time stipulated by this Honourable Court

For Petitioner : Mr.D.Gopinathan

For Respondent(s): Mr.K.M.D.Muhilan
Additional Public Prosecutor – R1 & R2
Mr.N.Manokaran,
for Mr. A. Rajakumar – For R3

ORDER

This Writ Petition has been filed to direct the second respondent to provide adequate police protection to remove the fencing and notice board from the petition property within the time stipulated by this Court.

2. It is the main contention of the petitioner that in the earlier occasion, the respondent had filed a Writ Petition in W.P.No.2064 of 2024 for police protection to survey the land. The Court had not granted police protection. However, directed the respondent to conduct enquiry. Taking advantage of that Order, the house of the petitioner had been demolished and now fencing has



been put up with the help of the police. Hence, seeks a direction to remove the fencing.

3. The learned Additional Public Prosecutor appearing for the first and second respondents on instructions would submit that the police were never present while fencing and fencing has been done much prior to the Order passed in the Writ Petition. According to them, out of 48 cents of land, an extent of 60 cents originally belonged to petitioner's husband and third petitioner's father, who are brothers and the father of the third petitioner was allotted 24 cents each to the sons and 12 cents to the daughter. The land allotted to the petitioner's husband has already been sold. He would further submit that suit is pending for partition between the parties. Hence submitted that police protection cannot be granted.

4. The very submissions on either side and the averments made in the affidavit filed along with this petition itself clearly indicate that the dispute between the parties is only a civil dispute. Further, it is the contention of the



learned Additional Public Prosecutor that they had never given any protection

for fencing. In such view of the matter, as the suit is pending between the

parties, it is for the petitioner to establish her rights over the immovable property

in the pending suit. Hence, I do not find any merits in this petition.

5. Accordingly, this petition is dismissed.

08-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. The Superintendent Of Police
Office Of The Superintendent Of
Police, Salem District.

2. The Inspector Of Police
Irumbalai Police Station, Salem
District-636 030



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N.SATHISH KUMAR J.

VRC

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