



W.P.No.35098 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 35098 of 2024

and

W.M.P.No.38026 of 2024

1.M.Jayapriya
2.M.Punithapriya

... Petitioners

Vs.

1. The Commissioner of Police,
Coimbatore City,
Office of the Commissioner of Police,
Coimbatore – 641 018.

2. The Inspector of Police,
E-1, Police Station,
Singanallur, Trichy Road,
Coimbatore – 641 016.

3. N.Vijaya
4. M.Devaraj
5. M.Yesodha
6. M.Kannan
7. Shanthi @ Santhamani
8. J.Selvi
9. P.S.Janath Nisha

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the 1st and 2nd respondents to provide police protection to petitioners' family and also



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for the peaceful enjoyment of petitioners property situated at Old Ka.Sa.No.335 New Survey No.332/CIA1A ward No.37, Block No.6, Door No.1, T.S.No.144 to an extent of 12124 sq.ft in alternate 27 cents 363 sq.ft., Singanallur Municipality Limit, Coimbatore District. Bounded on the South by the Land of Rajarathinam's 19 cents bounded on the North by the Land of S.C.Sivaramakrishnan and Samakulam Annasamy Sasthirikal's Vacant Land North Bounded on the East by Thenvadal Agraharam West Street and the building of S.C.Sivaramakrishnan's Printing Press Bounded on the West by Kaunakuzhi Pallam on the basis of petitioners representation cum complaint dated 26.09.2024.

For Petitioner : Mr.Venkatesh S.

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1 and R2
No appearance for R3 to R9

ORDER

This Writ Petition has been filed seeking for issuance of Writ of Mandamus, to direct respondents 1 and 2 to provide police protection to the petitioners' family and also for the peaceful enjoyment of petitioners property situate at Old Ka.Sa.No.335 New Survey No.332/CIA1A ward No.37, Block No.6, Door No.1, T.S.No.144 to an extent of 12124 sq.ft in alternate 27 cents 363 sq.ft., Singanallur Municipality Limit, Coimbatore

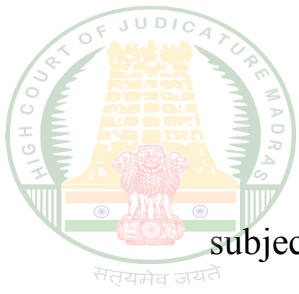


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District, on the basis of petitioners' representation-cum-complaint dated

26.09.2024.

2. According to the petitioners, they bequeathed the property situate at Old Ka.Sa.No.335, New Survey No.332/CIA1A, Ward No.37, Block No.6, Door No.1, T.S.No.144 to an extent of 12124 sq.ft in alternate 27 cents 363 sq.ft., Singanallur Municipality Limit, Coimbatore District, by a registered sale deed executed by their parents in the year 2015. Originally, the petitioners' father and mother purchased the subject property by virtue of a registered sale deed in the year 1978 from their vendor, who traces the title from the year 1952. During the purchase of the said property, one Manickammal, who is the mother of respondents 3 to 8 was tenanted in the subject property and she refused to vacate the said premises, hence the petitioners' parents filed a suit in O.S.No.720 of 1994 before the learned I Additional District Munsif, Coimbatore for declaration and recovery of possession, which came to be decreed in favour of the petitioners' father and mother. Subsequently, the said Manickammal filed Appeal Suit before the District Court, Second Appeal before this Court and SLP before the Hon'ble Supreme Court and she lost her case. Finally, the petitioners' parents took possession of the

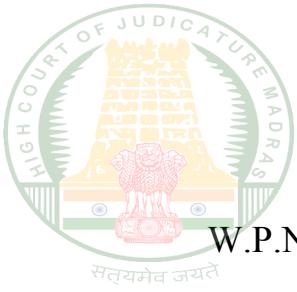


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subject property as per the Execution Proceedings in E.P.No.52 of 2011.

Thereafter, they settled the property in favour of the petitioners herein.

While that being so, without tracing the title of the property, respondents 3 to 8 herein had created a forged and fabricated Will, alleged to be executed by the said Manickammal in favour of respondents 3 to 8. Subsequently, respondents 3 to 8 executed a release deeds among themselves. Based on the release deeds and Will, a sale deed has been registered in favour of the 9th respondent herein. Therefore, the petitioners once again filed a suit in O.S.No.682 of 2019 seeking to declare the Will and release deeds executed by respondents 3 to 8 as null and void and the same is pending for final disposal. In the meantime, 8th respondent filed I.A.No.7 of 2023 in O.S.No.682 of 2019 to appoint an Advocate Commissioner to find out the possession and extent of the property. The Court below dismissed the said petition. While that being so, the private respondents 3 to 9 herein are interfering with the peaceful possession of the petitioners and tried to take possession of the subject property, when the same was questioned by the petitioners, they had threatened the petitioners and also gave life threat to the petitioners. It is further submitted that already this Court vide order dated 18.01.2019 in



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W.P.No.16261 of 2015, had given a direction to the respondents-Police

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to provide police protection to the petitioners and their property whenever they required the same. As the private respondents interfered with the petitioners peaceful possession of the property, to safeguard their property, the petitioners have given a representation dated 26.09.2024 to the respondents to provide police protection to them and their property. However, the respondents-Police are not ready to provide protection and hence, the present petition is filed.

3. Learned Additional Public Prosecutor appearing for the respondents submitted that there is a property dispute between the petitioners and respondents 3 to 9 herein, which is civil in nature. He further submitted that if the petitioners wants to fence their land, the same may be done after conducting a survey by the Revenue Authority.

4. On a perusal of the records, it is seen that there is a property dispute between the petitioners and private respondents 3 to 9 herein, for which, both the parties have already approached the Civil Court and they have also filed SLP before the Hon'ble Supreme Court, where the petitioners have established their right over the subject property. The



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petitioners had already took possession of the subject property as per Execution Proceedings. After survey if it is found that there is deviation, it is for the private respondents 3 to 9 to work out their remedy in a manner known to law before the appropriate authority.

5. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the petitioners, without expressing any opinion with regard to the merits of the case, the respondents-Police are directed to provide police protection to the petitioners to fence their land.

6. With the above observations and directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected W.M.P.No.38026 of 2024 is closed.

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Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

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3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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