



WEB COPY



W.P.Crl.No.1023 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

W.P.Crl.No.1023 of 2025

Karupusamy

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Gobichettipalayam,
Deputy Superintendent of Police Office,
Cutchery Road, Gobichettipalayam,
Erode District – 638 452.
2. The Inspector of Police,
Nambiyur Police Station,
Nambiyur Road, Gobichettipalayam,
Erode District – 638 452.
3. The Tahsildar,
Taluk Office Gobichettipalayam,
Gobichettipalayam, Erode District – 638 452.
4. Magudeswaran

... Respondents

PRAYER : Writ Petition (Criminal) is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus or direction in the nature of writ, to direct the first and second respondents to give police protection to remove the fencing put up in the S.No.541/1 Kottupullampalayam Village, Gobichettipalayam, Erode District pursuant to letter of Tahsildar dated 18.07.2025 in Na.Ka.No.1315/2025/A1 and petitioner's representation dated 13.08.2025.



For Petitioner : Mr.P.R.Balasubramanian
For R1 to R3 : Mr.R.Vinothraja
Government Advocate (Criminal Side)

ORDER

The Writ Petition (Criminal) has been filed seeking a direction to the first and the second respondents to provide police protection by considering the petitioner's representation dated 13.08.2025.

2. The case of the petitioner is that he had obtained a decree for declaration and permanent injunction in respect of the suit property by filing a suit in O.S.No.221 of 2019 before the District Munsif Court, Gobichettipalayam. However, the fourth respondent herein has encroached the said property and put up a fence. Further, the third respondent had passed an order directing the removal of the fence put up by the fourth respondent. However, the same was not executed and therefore, the petitioner has sent a representation to the first and second respondents. Since no action has been taken by the respondents, the present petition has been filed.

3. Heard both sides and perused the materials available on record.



W.P.Crl.No.1023 of 2025

4. A perusal of the records shows that admittedly, the petitioner has filed a suit against eleven persons seeking declaration and permanent injunction in respect of the cart track parthway in O.S.No.221 of 2019 before the District Munsif Court, Gobichettipalayam and obtained a decree in his favour. However, the petitioner now seeks to enforce the said decree against the third party, namely, the fourth respondent herein, that too through the respondent Police, which cannot be permitted.

5. In view of the above, this Court is not inclined to issue any blanket direction to the respondent Police to provide police protection, as the remedy sought by the petitioner lies elsewhere. It is for the petitioner to work out his remedy by filing a proper application before the appropriate forum in the manner known to law.

6. Accordingly, this Writ Petition (Criminal) stands dismissed with the above observations. No costs.

09.10.2025

ham

Neutral Citation: Yes/No

3/5



W.P.Crl.No.1023 of 2025

To
WEB COPY

1. The Deputy Superintendent of Police,
Gobichettipalayam,
Deputy Superintendent of Police Office,
Cutchery Road, Gobichettipalayam,
Erode District – 638 452.
2. The Inspector of Police,
Nambiyur Police Station,
Nambiyur Road, Gobichettipalayam,
Erode District – 638 452.
3. The Tahsildar,
Taluk Office Gobichettipalayam,
Gobichettipalayam, Erode District – 638 452.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



W.P.Crl.No.1023 of 2025

N. SATHISH KUMAR, J.

ham

W.P.Crl.No.1023 of 2025

09.10.2025