



W.P.No.36462 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2025

CORAM:

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

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T.Anthihabai

..... Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai Police,
EVK Sampath Road,
Vepery Chennai-07.

2. The Assistant Commissioner of Police,
H-8, Thiruvottiyur Police Station,
Thiruvottiyur High Road,
Thiruvottiyur, Chennai-19.

3. The Inspector of Police
H-8, Thiruvottiyur Police Station,
Thiruvottiyur High Road,
Thiruvottiyur, Chennai-19.

4. Saravanan

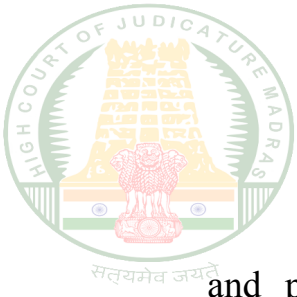
5. B.Thiyagarajan

6. B.Umapathy

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents No.1 to 3 to give police protection for house construction

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and peaceful living of the petitioner in the property comprised in S.No.237/1, situated at door No.247/2 and 247/3 at Thiruvottiyur High Road, Thiruvottiyur, Chennai-600 019.

For Petitioner : Mr.A.Thiagarajan,
Senior Advocate
for Mr.S.Ramesh Kumar

For R1 to R3 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

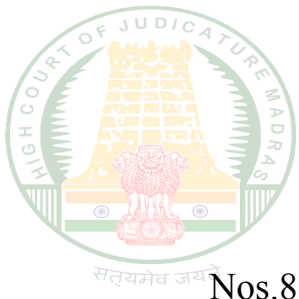
For R4 to R6 : Mr.R.Dhamodaran

ORDER

This Writ Petition has been filed seeking police protection at the hands of the respondents 3 to 6 herein.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. According to the petitioner, he purchased the properties situated at door No.247/2 & 247/3 situated at Thiruvottiyur High Road, Thiruvottiyur, Chennai-600 019 comprised in Survey No.237/1, admeasuring 599 ½ sq.ft. and 394 ¾ sq.ft respectively, by way of registered Sale Deeds dated 23.03.1994 and 15.12.1994, vide Document



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Nos.860 of 1994 and 3863 of 1994 for valuable consideration. The revenue records were also mutated in his name. The said properties are adjacent to each other, totalling 994.5 sq.ft. In lieu of the existing superstructure had become dilapidated, the petitioner decided to demolish the same and reconstruct a single new house in the property. He also obtained demolition permission from the Greater Chennai Corporation and paid the necessary charges and fees.

4. In fact, the fourth respondent also filed a suit for partition and separate possession of the very same property in O.S.No.885 of 1997 before the District Munsif cum Judicial Magistrate, Thiruvottiyur and the same was also dismissed by a Judgement and Decree dated 02.11.1999. Subsequently, the petitioner obtained planning permission to reconstruct the property after demolishing the existing structure. However, the fourth respondent obstructed the petitioner from proceeding with the construction. When the respondents 4 to 6 have no established rights over the property, they cannot object or obstruct the petitioner from putting up construction in the property owned by him. If the respondents 4 to 6 proved the title before the Civil Court, they can



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very well to deal with the property. Therefore, the respondents 4 to 6 cannot interfere with the peaceful possession of the petitioner.

5. In view of the above, the third respondent is directed to provide police protection, if any obstruction by the respondents 4 to 6 herein while putting up any construction in the subject property, to the petitioner.

6. With the above direction, this Writ Petition stands allowed. No costs.

10.02.2025

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

To
1. The Commissioner of Police,
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EVK Sampath Road,
Vepery Chennai-07.

2. The Assistant Commissioner of Police,
H-8, Thiruvottiyur Police Station,
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3. The Inspector of Police
H-8, Thiruvottiyur Police Station,
Thiruvottiyur High Road,
Thiruvottiyur, Chennai-19.

4. The Public Prosecutor,
High Court of Madras,
Chennai



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