



W.P.(MD) No.5346 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

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Annai Constructions,
Represented by its Assistant Manager,
T.Jacob,
S/o.Thiyagarajan,
Door NO.4/370, Panchayat Office Street,
Rathapuram Taluk,
Tirunelveli District.

Vs.

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2. The Sub-Inspector of Police,
Palavoor Police Station,
Palavoor,
Tirunelveli District.

3. Mahalakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the second respondent to provide adequate police protection during the time of fencing the property in Survey No. 427/2A, Karungulam Village, Radhapuram Taluk, Tirunelveli District, based on the petitioner's representation dated 15.02.2025.



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For Petitioner : Mr.R.M.Arun Swaminathan,

For R1 & R2 : Mr.R.M.Anbunmithi

Additional Public Prosecutor (Crl. Side)

ORDER

This writ petition has been filed by the petitioner to direct the 2nd respondent to provide adequate police protection for fencing the property in Survey No. 427/2A for an extent of 2.84 acres situated in Karungulam Village, Radhapuram Taluk, Tirunelveli District, based on the petitioner's representation dated 15.02.2025.

2. According to the petitioner, he is the owner of the property in S.No.427/2A for an extent of 2.84 acres and the 3rd respondent claimed 48 cents in the souther side. Therefore, he filed a suit in O.S.No.104 of 2020 before the learned Principal District Judge, Tirunelveli and the same was allowed. When he attempted to fence over the property, the 3rd respondent has restrained, thereby he lodged a complaint on 10.12.2024 and C.S.R.No.858 of 2024 was assigned. Thereafter, he filed an application before the learned Judicial Magistrate, Valliyur and based on the direction, F.I.R has been registered in Crime No.48 of 2025 and the same is pending. While so, in order to restore the fence, which was



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damaged by the 3rd respondent, he attempted to restore the fence, the 3rd respondent prevented him and therefore, he sent a representation dated 15.02.2025, but the same has not been considered by the respondent police. Hence, he has filed this petition.

3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondents no.1 and 2 would submit that already based on the complaint given by the petitioner, F.I.R has been registered as against the 3rd respondent in Crime No.48 of 2025 and thereafter, again the petitioner sent a representation for police protection to fence the property. If the petitioner has any decree for the disputed property, then they will consider his representation.

4. This Court heard both sides and also perused the records.

5. As per the decree passed in O.S.No.104 of 2020 on the file of the learned Principal district Judge, Thirunelveli, the suit was decreed in respect of 2.84 acres comprised in S.No.427/2A and in respect of 427/2B, 427/2C and 427/2D, the suit was dismissed. Now, the petitioner's representation is for S.F.No.427/2A relating to 48 cents and there is no



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clarity whether the said 48 cents is within the 2.84 acres are not.

Therefore, the petitioner is at liberty to sent a fresh representation to the 1st respondent based on the decree passed by the learned Principal District Judge in S.No.427/2A to an extent of 2.84 acres within one week from the date of this order and thereafter, the 1st respondent is directed to consider the same in accordance with law on merits and dispose of the same within fifteen [15] days.

6. With the above said observations and directions, this writ petition is disposed of. No costs.

27.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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P.DHANABAL, J.

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To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Sub-Inspector of Police,
Palavoor Police Station,
Palavoor,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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