



W.P(MD) NO.12199 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

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Velpandi

... Petitioner

Vs

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

3. Subiah Thevar

4. Malaiyandi

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 2 herein to give police protection to the petitioner's life and limb and take action against the respondents 3 and 4 from disturbing the enjoyment of the petitioner's land in Survey No. 158/3A, Ayyanaroothu village, Kayatharu Taluk, Thoothukudi District, based on the petitioner's representation dated 19.04.2025.

For petitioner :Mr. K.Veilmuthu

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



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Additional Public Prosecutor (Crl.Side)

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For R3 & R4 : Mr.S.Ramesh

ORDER

This petition is filed by the petitioner to direct the respondents 1 and 2 herein to give police protection to the petitioner's life and limb and take action against the respondents 3 and 4 from disturbing the enjoyment of the petitioner's land in Survey No. 158/3A, Ayyanaroothu village, Kayatharu Taluk, Thoothukudi District, based on the petitioner's representation dated 19.04.2025.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the property in Survey No. 158/3A, Ayyanaroothu village, Kayatharu Taluk, Thoothukudi District and he is possession and enjoyment of the property. While so, the respondents 3 and 4 are causing disturbances to the petitioner and already the respondents 3 and 4 both filed a suit in O.S.No.266 of 2015 on the file of the District Munsif Court, Kovilpatti for the relief of permanent injunction as against the petitioner and the same was dismissed on 25.02.2019, against which an appeal was preferred in A.S.No.19 of 2019 and the same



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was also dismissed on 22.02.2023 by the Subordinate Judge, Kovilpatti

confirming the order of the learned District Munsif, Kovilpatti. As against the said order, no appeal was preferred. Hence, the case attained finality. As per the judgement of the Trial Court, the respondents 3 and 4 have no right over the property and the petitioner has the right over the property. In spite of that, the respondents 3 and 4 are causing disturbances. Therefore, he sent a representation dated 19.04.2025 for police protection but the same has not been considered. Therefore, he filed this petition.

3. The learned Additional Public Prosecutor (Crl.Side) for the respondents 1 and 2 would submit that the petitioner sent a representation for police protection earlier for the property dispute and the same was closed and again, the second representation was sent by the petitioner on 19.04.2025 and the same is under enquiry. They will conduct enquiry and act in accordance with law.

4. The learned counsel for the respondents 3 and 4 would submit that the petitioner is in possession and enjoyment of the property and already they filed O.S.No.266 of 2015 on the file of the District Munsif Court, Kovilpatti and the same was dismissed, against which they



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preferred an appeal in A.S.No.19 of 2019 before the Sub Court, Kovilpatti

and the same was also dismissed. Thereafter, the respondents 3 and 4 filed

second appeal with delay and the same is also pending before this Court.

Already the respondents 3 and 4 lodged a complaint against the petitioner

for the damages caused by the petitioner before the Tahsildar and the

Tahsildar also requested the Village Administrative Officer to ascertain

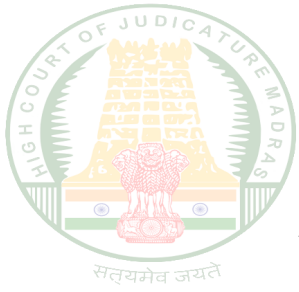
the value of the crops. For that, the Village Administrative Officer issued

summons to the petitioner. Immediately, the petitioner filed this petition.

Therefore, this petition is liable to be dismissed.

5. This Court heard both sides and perused the records.

6. It is an admitted fact that there is a dispute between the parties in respect of the property and already civil suit was filed by the respondents 3 and 4 and the same was dismissed and the appeal was also dismissed. As against the same, the respondents 3 and 4 filed second appeal. In the meantime, the petitioner sent a representation for police protection and the same is under consideration by the second respondent. Therefore, it is for the second respondent to conduct enquiry and take appropriate action in accordance with law.



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7. Considering the prayer sought for in this petition and the receipt of the representation of the petitioner also admitted by the second respondent and the same is under enquiry, this Court directs the second respondent to consider the representation of the petitioner and take appropriate action in accordance with law within a period of 15 days from the date of this order, after affording opportunity to both the parties.

8. With the abovesaid observations and directions, this Writ Petition is disposed of. No costs.

28.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1. The Superintendent of Police,
O/o. the Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

apd

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