



WP CRL.(MD). No.2415 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04/12/2025

CORAM

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

WP CRL.(MD). No.2415 of 2025

Siju D Son

... Petitioner

Vs

1. The Superintendent of Police,
Kanyakumari District.

2. The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

3. Rajakumar

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to provide adequate police protection to the petitioner to rebuild the damaged compound wall of the petitioner's property situated in Survey Nos.844/6 and 841/4A1A1, Mathicode Village, Kanyakumari District without any obstruction or interference from the 3rd respondent or his men.



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For Petitioner : P.T.Ramesh Raja,
Advocate.
For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl.Side)

ORDER

This Writ Petition is filed for issuance of writ of mandamus, directing the respondents 1 and 2 to provide adequate police protection to the petitioner to rebuild the damaged compound wall of the petitioner's property situated in Survey Nos.844/6 and 841/4A1A1, Mathicode Village, Kanyakumari District without any obstruction or interference from the 3rd respondent or his men.

2. Heard both sides.

3.Eventhough the 3rd respondent is a private party, notice is necessary, but this Court is dispense with the notice for the sole reason that already there is a suit filed by the 3rd respondent in O.S.No.58 of 2020. The 3rd respondent specifically



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claims that it is a property used by the petitioner for approaching the respondent's property that too, as an easementary right. The said portion of the plaint is extracted as under:

"11. The plaintiff, his vendor, predecessors and forefathers of vendors, Moovarpuram Oor people, family members of the plaintiff have been using paint 'B' schedule pathway more than several years as mandated by law. The predecessors and forefathers of plaintiff's vendor acquired the pathway right over the paint B schedule property through easement by implied grant and necessity."

4. The trial Court has appointed an Advocate Commissioner. The Advocate Commissioner after visiting the property has filed a detailed report which is stated as under:

"The mandate given is to verify whether the B schedule property is only pathway to reach the A schedule property, for which the advocate commissioner has specifically answered that there is another pathway to the 3rd respondent to reach his property".

5. After the Advocate Commissioner's report, the 3rd respondent has left the suit for non-prosecution.



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TO

1. The Superintendent of Police,
Kanyakumari District.

2. The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

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



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S.SRIMATHY, J

PJL

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