



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2015

C O R A M

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THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Writ Petition (MD) No.718 of 2014

S.Palavesam

S/O.Sudalai Kannu Thevar

... Petitioner

Vs

1.The District collector,
Collectorate, Tirunelveli.

2.The Tahsildar,
Ambasamuthram Taluk,
Ambasamuthram,
Tirunelveli District.

3.The Inspector of Police,
Patthamadai Police Station,
Patthamadai, Ambasamuthram,
Tirunelveli District.

4.The President,
Venkata Rengapuram Taluk,
Ambasamuthram Taluk,
Tirunelveli District.

5.Palavesam, S/O.Sudalai Muthu

6.Muth Pandi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 3rd respondent to provide police protection to survey the petitioner's land comprised in S.No.86/6 of Venkata Rengapuram Village, Ambasamuthram Taluk, Tirunelveli District by the 2nd respondent.

For petitioner .Mr.V.Ganesh

For R1 to R4 .Mr.J.Gunaseelan Muthiah
Addl.Government Pleader

For R5 and R6 .Mr.J.Parekhkumar

O R D E R

This writ petition has been filed seeking for the issuance of Writ of Mandamus, directing the third respondent to provide police protection to survey the petitioner's land comprised in S.No.86/6 of Venkata Rengapuram Village, Ambasamuthram Taluk, Tirunelveli District by the second respondent.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents No.1 to 4 and the learned counsel appearing for the fifth and sixth respondents.

3.The petitioner is said to be the owner of the land in Survey No.86/6 of Venkata Rengapuram Village, Ambasamuthram Taluk, Tirunelveli District. The fifth and sixth respondents are the petitioner's neighbours. It appears that there is a dispute between the petitioner and the respondents No.5 and 6, regarding the limited extent of the land as to whether it comes under the petitioner's sale deed or belongs to the respondent, who claims title based upon the ancestral property.

4.The fifth and sixth respondents also filed a suit in O.S.No.44 of 2015 on the file of the Sub-Court, Ambasamuthram. Now, the petitioner has come forward with the present writ petition seeking a direction to the third respondent to give police protection to survey his land.

5.The above said fact would clearly indicate the dispute governed in the case. Precisely for the reasons that on one hand, the respondents No.5 and 6 filed a suit indicating the dispute between them and on the other hand, it cannot be decided in the present writ petition. Therefore, the relief sought for by the petitioner cannot be granted. However, the petitioner has to look out his remedy in the manner known to law.

With the above said observation, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

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To



2.The Tahsildar,
Ambasamuthram Taluk,
Ambasamuthram,
Tirunelveli District.

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3.The Inspector of Police,
Patthamada Police Station,
Patthamada, Ambasamuthram,
Tirunelveli District.

4.The President,
Venkata Rengapuram Taluk,
Ambasamuthram Taluk,
Tirunelveli District.

+1cc to Mr.V.Ganesh, Advocate in Sr NO.20810

+1cc to Mr.J.Parekh Kumar, Advocate in Sr NO.21523

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