



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No. 12906 of 2017

S.Abraham : Petitioner

Vs.

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

2.The Inspector of Police,
Thogamalai Police Station,
Thogamalai, Karur District.

3.Mariya Arokiam, : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to take action against the third respondent and conduct preliminary enquiry based on the petitioner's complaint dated 04.07.2017 within the period that may be stipulated by this Court.

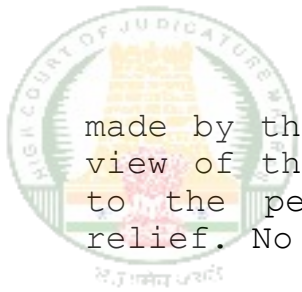
For Petitioner	: Mr.M.M.Saravanan
For Respondents	: Mr.A.K.Baskarapandian Special Government Pleader

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to take action against the third respondent and to conduct a preliminary enquiry based on the petitioner's complaint dated 04.07.2017.

2.The case of the petitioner is that the petitioner claims ownership over the property on the basis of Anumantha Patta which was issued by the Government in the year 1994 in his favour and he also stated that the third respondent has trespassed into his house and claims that he is a tenant in the said premises and doing "Thari" work.

3. It appears that there is a dispute between the petitioner and the third respondent with regard to the title and enjoyment of the property. The question of title and enjoyment cannot be decided on the basis of affidavit or self declaration. The petitioner can seek protection of his property in exercise of his civil right only by approaching Civil Court and the Civil Court is the competent authority to decide the question of title and enjoyment of the property, based on which, the truth and validity of the claim



made by the petitioner or the third respondent can be decided. In view of the above this Writ Petition is dismissed, with liberty is to the petitioner to approach the Civil Court for appropriate relief. No costs.

WEB COPY

/True Copy/

Sd/-

Assistant Registrar(CS-I)

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Thogamalai Police Station,
Thogamalai, Karur District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.65616

+1cc to Mr.JEEN JOSEPH Advocate in SR. No.65410

CMR/DSS

JS/JC/SAR.1/28.7.2017/2P-5C

W.P.(MD) No. 12906 of 2017
13.07.2017