



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

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W.P (MD) No.3619 of 2017

M.Rosemary

.. Petitioner

Vs.

1. The Inspector of Police,
North Vijayanarayanam Police Station,
Tirunelveli District.

2. The Tahsildar,
Nanguneri Taluk Office,
Nanguneri, Tirunelveli District.

3.Dhanislaus

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to provide adequate police protection to the petitioner for removing the Seemai Karuveta trees from the petitioner's patta land bearing Re.Survey No.2996/2 to an extent of 1537.48 Sq.Fts situating in North Vijaya Narayanam Village, Nanguneri Taluk, Tirunelveli District based on the petitioner's representation dated 14.02.2017 within the time limit that may be stipulated by this Court.

For Petitioner	: Mr.M.S.Jeyakarthik
For Respondents 1 and 2	: Mr.M.Govindan, Special Government Pleader.
For Respondent No.3	: Mr.J.Jeyakumaran

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the first respondent to give adequate police protection at the time of removing Seemai Karuvelam trees in Re.Survey No.2996/2 admeasuring 1537.48 Square Feet, North Vijaya Narayanam Village, Nanguneri Taluk, Tirunelveli District, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that the petitioner is the absolute owner of the property mentioned in the petition, wherein certain



Seemaikaruvelam trees are in existence and now the petitioner wants to remove the same, but the third respondent has unnecessarily raised objection and therefore a representation has been given on 14.02.2017 to the first respondent, but the same has not been considered.

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3.The learned Special Government Pleader appearing for the respondents 1 and 2 has contended to the effect that on the basis of representation sent to the respondents 1 and 2, a Peace Committee has been convened, wherein a third party has also filed certain documents and ultimately directed both parties to seek and establish their title through Civil Forum.

4.Considering the fact that already the second respondent has convened a Peace Committee, wherein a third party has also produced certain documents, this Court is of the view that with regard to establishing title, the petitioner has to approach Civil Forum. Since the petitioner has to approach Civil Forum, the relief sought in the writ petition cannot be granted and therefore this writ petition deserves to be dismissed.

5.In fine, this writ petition is dismissed without costs. However, the petitioner is directed to establish her title to the property mentioned in the writ petition by way of filing a civil suit.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
North Vijayanarayanam Police Station,
Tirunelveli District.

2. The Tahsildar,
Nanguneri Taluk Office,
Nanguneri, Tirunelveli District.

+1cc to Mr.J.Jeyakumaran, Advocate SR.No.61778

+1cc to The Spl.Government Pleader Sr.No.62177

SMN

VB/GT/SAR4/04.07.2017/2P/5C