

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No. 11375 of 2016

K.V.S.Dhinakaravasan

.. Petitioner

Vs

1. The Superintendent of Police,
Vellore District.

2.The Inspector of Police,
Gudiyatham Police Station,
Gudiyatham.

3.The Revenue Divisional Officer,
Gudiyatham Taluk,
Vellore District.

4.Selvam

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the 1st and 2nd respondents to extend protection to the petitioner to carry on with his development activities in his land admeasuring about 2acres comprised in S.No. 669/2 and situate at Thazhaiyatham Village, Guidyatham Taluk, Vellore District acquired under a registered sale deed dated 25.08.2008 as against the 4th respondent's threat and attempt to trespass the petitioner's lands as sought for by the petitioner in his complaint dated 19.02.2016.

For Petitioner : Mr. V.M.G.Ramakannan

For Respondents : Mr.D.Raja,

RR 1to 3 Additional Government Pleader

R4 : Mr.N.Manokaran

O R D E R

The petitioner as well as the fourth respondent herein have rival claims over the property in S.No. 669/2 and situated at Thazhaiyatham Village, Guidyatham Taluk, Vellore District and both having purchased the properties in two registered sale deeds. In this back ground, when the petitioner herein seeks for direction to the first and second respondents for protection inorder to develop his property, the fourth respondent herein, who also claims right over the property through sale deed dated 09.06.2008 opposes the said petition stating that he is the absolute owner of the property and therefore, the present prayer seeking for protection came to be filed.

2. I have considered the rival submissions made by both the counsels.

3. Apparently, it is seen that there are two registered sale deeds dated 25.08.2008 and 09.06.2008 in the name of the petitioner and the fourth respondent respectively. Hence, both the parties claim their respective rights over the property.

4. In my considered view, the present petition seeking for protection cannot be considered, in view of the rival claims based on two registered sale deeds. In view of the dispute being civil in nature, it would be appropriate for the parties to approach the civil court to redress their grievances unless and until finality is attained with regard to the title over the subject land, the present prayer for protection cannot be entertained.

5. In the result, the Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Vellore District.

2.The Inspector of Police,
Gudiyatham Police Station,
Gudiyatham.

3.The Revenue Divisional Officer,
Gudiyatham Taluk,
Vellore District.

+1cc to Mr.N.Manoharan, Advocate Sr.No.3917/18
+1cc to Mr.VMG.Ramakkannan, Advocate Sr.No.4163/18
+1cc to Government Pleader SR.No.5453/18

sm:2.2.2018

WP. No. 11375 of 2016