

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.18208 of 2017

E.Thirugnanasambandam

.. Petitioner

Vs.

1.The Tahsildar,
Kumarapalayam Taluk,
Namakkal District.

2.The Inspector of Police,
B.Kumarapalayam Police Station,
Kumarapalayam,
Namakkal District.

3.Rajasubramani (a) V.Subramani

.. Respondents

(Respondent 3 has been impleaded as
per order made in W.M.P.No.22233/17, in WP.18208/17
dated 07.11.2017)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the second respondent to provide police protection for fencing the petitioner's land in Town Survey No.97, Ward.C, Block No.8, Paimash No.122, and 122A situate at Agraharam Village, Kumarapalayam, Thiruchengodu Taluk, Namakkal District in the light of the order passed by the first respondent in proceedings in Na.Ka.No.5415/20165/A9 dated 30.03.2017.

For Petitioner : Mr.V.Elangovan

For Respondents 1 & 2 : Mr. D.Raja
Additional Government Pleader

For Respondent 3 : Mrs.S.Hemalatha

ORDER

The prayer sought for in the writ petition is to issue a direction to the second respondent to provide police protection for fencing the petitioner's land in Town Survey No.97, Ward.C,

Block No.8, Paimash No.122, and 122A situate at Agraharam Village, Kumarapalayam, Thiruchengodu Taluk, Namakkal District in the light of the order passed by the first respondent in proceedings in Na.Ka.No.5415/20165/A9 dated 30.03.2017.

2. Admittedly, there is a civil suit pending in O.S.No.67 of 2016 on the file of the learned District Munsif Court, Tiruchengode filed by the petitioner against the third respondent herein, in which, the petitioner has sought for declaration of settlement deed executed in favour of third respondent as null and void. The third respondent herein claims right and title over the subject properties through the settlement deeds.

3. In view of rival claims between the parties, it would not be appropriate for this Court to entertain the writ petition seeking protection for the purpose of surveying the subject lands, unless and until a finality is arrived with regard to the right and title of the parties to the subject properties. It is always open to the petitioner to approach the concerned Civil Court seeking for necessary direction in this regard.

4. Accordingly, the writ petition stands closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

nl
To

1.The Tahsildar,
Kumarapalayam Taluk,
Namakkal District.

2.The Inspector of Police,
B.Kumarapalayam Police Station,
Kumarapalayam,
Namakkal District.

+1cc to Mr.S.Doraisamy, Advocate SR.No.8415
+1cc to Government Pleader, SR.No.7668

W.P.No.18208 of 2017

NRJK (CO)
GN(21/02/2018)