

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 13-08-2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.1762 of 2019

Mr.T.Tamilamuthan ... Appellant/5th Respondent

-vs-

1.Thiruvallur Transport Corporation Employees
Co-operative House Building Society Ltd.,
rep.by its President,
Pallavan Salai,
Chennai-2.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

4.The Tahsildar,
Sriperumbadur Taluk,
Kancheepuram District.

5.The Inspector of Police,
Law and Order,
Guduvanchery Police Station,
Kancheepuram District.

.... Respondents

Appeal under Clause 15 of the Letters Patent against the
Order, dated 05.04.2019, passed in W.P.No.1388 of 2019 on the
file of this Court.

Prayer in WP No.1388 of 2019 : Writ of mandamus to direct the
respondents 2 and 4 to provide adequate Police Protection to the
respondents 1 and 3 during measuring and demarcating survey
Nos.405/1, 406/2, 407/13, 407/21, 405/81, 409/31, 410/2, 410/7,
411/2, 408/75, 40/11, 408/40, 408/06 and 410/49 at TTC Nagar,

Athanur Village, Sriperambadur Taluk, Kanchieepuram District.

For Appellant : Mr.V.Lakshminarayanan

For Respondents 2 to 5 : Mr.A.N.Thambidurai,
Spl.Govt.Pleader.

JUDGMENT
(By Dr.Vineet Kothari,J.)

This Writ Appeal has been filed by Mr.T.Tamilamuthan, aggrieved by the order, dated 05.04.2019, passed by the learned Single Judge in W.P.No.1388 of 2018, filed by the First Respondent-Thiruvallur Transport Corporation Employees Co-operative House Building Society Ltd.

2. The learned Single Judge, in Paragraph 5 of the order impugned before us, has only directed that the Revenue Officials may measure the property in question and if the Revenue Officials feel the need of any police protection, they may seek such police protection from the Department concerned. Paragraphs 5 to 7 of the said order of the learned Single Judge are quoted below for ready reference :

'5. Considering the above facts and circumstance of the case and also that the petitioner has already paid the requisite fee before the Revenue Officials for measuring and demarcating the said property, the third respondent is directed to measure and demarcate the petitioner's property and if there is any untoward incident arises during measuring the property, it is open to the Revenue Divisional Officer to seek police protection before the fourth respondent herein.

6. On receipt of such request by the Revenue Officials, the fourth respondent is directed to consider the same and provide adequate police protection to the Revenue Officials on payment of necessary charges by the petitioner.

7. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.'

3. Mr.V.Lakshminarayanan, learned counsel for the appellant, has brought to our notice that with regard to the very same issue involved in this appeal, two Civil Suits between the parties viz., one in O.S.No.139 of 2017 (N.S.Elango v. Mr.S.Rajendran, President of Thiruvallur Pokkuvarathu Kazhaka Oozhiyarkal Co-operative Housing Society), and the other in O.S.No.291 of 2017 filed by the present Appellant -

Mr.T.Tamilamuthan against the very same Mr.S.Rajendran, President of Thiruvallur Pokkuvarathu Kazhaka Oozhiyarkal Co-operative Housing Society, are already pending.

4. Since, obviously, the questions of facts about the boundary and the measurements of the land are involved, the Civil Suits are only appropriate remedies for the said purposes.

5. Therefore, we are of the opinion that the Writ jurisdiction under Article 226 of the Constitution of India cannot be invoked even for collateral purposes.

6. If the Revenue Officials feel the need of seeking police protection, the liberty given by the learned Single Judge to them cannot be objected to by the parties.

7. In the light of the above, we do not find any merit in this Writ Appeal and the same is liable to be dismissed, which is, accordingly, dismissed. No costs. Consequently, the connected C.M.P.No.11937 of 2019 is also dismissed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

dixit
To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

3.The Tahsildar,
Sriperumbadur Taluk,
Kancheepuram District.

4.The Inspector of Police,
Law and Order,
Guduvanchery Police Station,
Kancheepuram District.

+1cc to Government Pleader SR.No.69369

W.A.No.1762 OF 2019

RV(CO)
GMY(19/09/2019)