



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.5015 of 2019
and
W.M.P. (MD) .No.3988 of 2019

Jahir Hussain

... Petitioner

/Vs./

1. The Tahsildar,
Kodaikanal Taluk,
Dindigul District.
2. The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.
3. The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
4. Regapavani @ Fathima Rameela,
Pallangi, Vilpatti Village,
Kodaikanal Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to implement the order of the first respondent in his proceedings in Na.Ka.No.6502/2017/Aa1, dated 19.07.2018 to evict the fourth respondent from the petitioner's land in S.No.438/1B2, 438/1B4 of Vilpatti Village Group, Kodaikanal Taluk, Dindigul District.

For Petitioner : Mr.V.Kannan
For R1 to R3 : Mrs.S.Bharathi
Government Advocate (Crl. Side)

ORDER

The petitioner seeks a direction to the respondents 2 and 3 here to implement the proceedings of the Tahsildar / first respondent herein.

<https://hcservices.ecourts.gov.in/hcservices/>

2.In the proceedings of the Tahsildar, he had made a



submission therein that the fourth respondent has trespassed into the property of the petitioner and has required the Police officials to proceed against the fourth respondent.

3. When the matter came up before this Court on 11.03.2019, this Court required the learned Government Advocate to make a statement to the Authority of the Tahsildar to require the Police official to take action concerning what he himself claims as trespass by the fourth respondent into the private lands of the petitioner.

4. The learned Government Advocate submitted that she is yet to receive necessary information in the matter.

5. Suffice to say for the present that even if the fourth respondent has trespassed into the private property of the petitioner, it is only the personal dispute and the petitioner has to take action either by approaching the Civil Court or by resorting to such other means to defend his title and possession as per law. The Tahsildar cannot advise the Police to take action against trespassers of private lands when the petitioner himself has not moved. Therefore, the prayer in the present form cannot be sustained. Having stated as thus, the petitioner himself has brought to the notice of this Court about the representation given by the petitioner dated 08.07.2018 to the second respondent, wherein, he has expressed his apprehension that his life, liberty and right to the property are in danger at the hands of the fourth respondent.

6. Now the petitioner is directed to prefer a fresh representation to the second and third respondents as to the nature of apprehension he holds at the hands of the fourth respondent and any of these respondents, on receipt of the such complaints / representation, shall hold such necessary enquiry, as to redress the issue that might come before them. These Police officials are instructed to step aside, if the matter discloses civil dispute.

7. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
<https://hcservices.ecourts.gov.in/hcservices/>
Kodaikanal Taluk,
Dindigul District.



2. The Deputy Superintendent of Police,
Kodaikanal, Dindigul District.

3. The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

+1 CC to M/s.V.KANNAN, Advocate (SR-53158[F] dated 12/03/2019)

TSG

TE : 22/03/2019 : 3P/5C

Order made in
W.P. (MD) No.5015 of 2019
11.03.2019