



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD)No.5166 of 2016

and

W,M.P. (MD) .Nos.4623 and 4624 of 2016

WEB COPY

V.Maruthan

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Pudukottai District.

2.The Superintendent of Police,
O/o. The Superintendent of Police,
Pudukottai District.

3.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Ponamaravathy, Pudukottai District.

4.The Inspector of Police,
K.Puthupatti Police Station,
Pudukottai District.

5.S.Thiagarajan

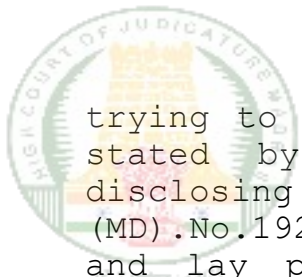
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondent Nos.2 to 4, from interfering in the civil dispute in respect of the petitioner's property at Survey No.196 / 4C, 196 / 4D to an extent of 13 Ares in Thuraiyur Village, Thirumayam Taluk, Pudukottai District and not to provide permission to the respondent No.5 for laying pipeline in the petitioner's property at Survey No.196 / 4C, 196 / 4D to an extent of 13 Ares in Thuraiyur Village, Thirumayam Taluk, Pudukottai District.

For Petitioner	:	Mr.T.Lajapathi Roy
For R-1 to R-4	:	Mr.S.Chandrasekar
		Additional Public Prosecutor
For R-5	:	No Appearance

O R D E R

The petitioner herein, claiming as a owner of the Survey Nos.196 / 4C, 196 / 4D, to an extent of 13 Ares in Thuraiyur Village, Thirumayam Taluk, Pudukottai District, has given a complaint to the respondent Police that the fifth respondent is



trying to trespass into his land to lay pipeline. Infact, it is stated by the petitioner that the fifth respondent without disclosing the material facts has approached this Court in Crl.O.P. (MD).No.19281 of 2015, seeking police protection to do the repair and lay pipeline for his land, situated in Survey No.196 /A. Clothed with this order of this Court passed on 24.11.2015, the fifth respondent is trying to trespass into the petitioner's patta land.

2. On reading of the affidavit filed in support of this petition, this Court finds that the fifth respondent was not provided with the police protection in the order of this Court dated 24.11.2015, unconditionally. The Court has specifically stated that the Police shall give protection if there are no legal impediments and if the petitioner is aggrieved by any act of the fifth respondent. It is appropriate for the fifth respondent herein to approach the competent Court to ascertain his right and title. The title of the rival parties cannot be decided through a Writ Petition. Hence, this Writ Petition is dismissed with liberty to the petitioner herein to work out his remedy before the appropriate forum, if he is aggrieved by any trespass into his land by the third parties. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Tsg

To

- 1.The District Collector,
O/o. The District Collector,Pudukottai District.
 - 2.The Superintendent of Police,
O/o. The Superintendent of Police,
Pudukottai District.
 - 3.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Ponamaravathy, Pudukottai District.
 - 4.The Inspector of Police,
K.Puthupatti Police Station,Pudukottai District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-10719[F]

Order made in

**W.P. (MD)No.5166 of 2016
and WMP(MD)No.4623 & 4624 of 2016**

Dated: 09.03.2020