



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.10089 of 2022
and W.M.P.No.10677 of 2022

K.Murugesan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
Tirupur District, Tiruppur.

2.The Inspector of Police,
Palladam Police Station,
Palladam, Tirupur District.

3.The Tahsildar,
Palladam Taluk,
Tirupur District.

4.The Taluk Surveyor,
Palladam Taluk,
Tirupur District.

... Respondents

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the respondents 1 and 2 to provide necessary police protection to the fourth respondent to conduct survey on the petitioner's land comprised in Old S.No.63, New S.No.63/1, having an extent of 7.73 Acres (3.2.50 Hect,)), situated at Mallegoundenpalayam, Palladam Taluk, Tiruppur District on the basis of the petitioner's representation dated 31.03.2022.

For Petitioner : Ms.P.Rajalakshmi

For Respondents: Mr.A.Gokulakrishnan
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed seeking to direct the respondents 1 and 2 to provide necessary police protection to the 4th respondent to conduct survey on the



petitioner's land comprised in Old S.No.63, New S.No.63/1, having an extent of 7.73 Acres (3.2.50 Hect,)), situated at Mallegoundenpalayam, Palladam Taluk, Tiruppur District on the basis of the petitioner's representation dated 31.03.2022 in order to lay the fencing in and around the property.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents and perused the materials available on record.

3. It is pertinent to note that the petitioner has filed this petition seeking for police protection for surveying the land. As the title has not been established, it is well open to the petitioner to file necessary application under Survey and Boundaries Act before the civil court for demarcation of property. Since the issue is relating to survey the property, this Court is of the view that blanket order for police protection cannot be granted. The practice of granting the blanket police protection particularly, immovable property without establishing title leads to serious consequences. In this aspect, the Hon'ble Apex Court in the case of 'PR.Muralidharan and others Vs.Swami Dharmananda Theertha Padar' reported in 2006 4 SCC 501 as held as follows:

'...19.A Writ for "Police Protection" so-called, has only a limited scope, as when the Court is approached for protection of rights declared by a decree or by an order passed by a civil Court. It cannot be extended to cases where rights have not been determined either finally by the civil Court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.'

4. In such view of the matter, this Criminal Original Petition is dismissed. It is for the petitioner to approach the civil Court and file appropriate suit or application for demarcation of property.

Sd/-
Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

ksa-2



To

1.The Superintendent of Police,
Office of Superintendent of Police,
Tirupur District, Tiruppur.

2.The Inspector of Police,
Palladam Police Station,
Palladam, Tirupur District.

3.The Tahsildar,
Palladam Taluk,
Tirupur District.

4.The Taluk Surveyor,
Palladam Taluk,
Tirupur District.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Ms.P.Rajalakshmi, Advocate SR.No.37404

W.P.No.10089 of 2022
and W.M.P.No.10677 of 2022

SKM(CO)
GMY(08/07/2022)