



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.06.2022

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.12343 of 2022

P. Ekambaram ... Petitioner

-Vs-

1. The District Collector

First Floor, The Collectorate,
Thaiyarkullam
Kancheepuram - 631 501

2. The Superintendent of Police

Vandavasi Salai,
Kanchipuram HO (Inside Collectorate Office)
Kanchipuram 631 501.

3. The District Revenue Officer

District Revenue Office
Vandavasi Salai,
Kanchipuram HO (Inside Collectorate Office)
Kancheepuram 631 501.

4. The Tahsildar

Kancheepuram Taluk Office
Railway Road, Near General Hospital,
Thiruveedhipallam,
Kanchipuram 631 501.

5. The Village Administrative Officer

Kozhumanivakkam Village,
Kundrathur Block,
Mangadu Kuruvattam



Pallavaram Vattam,
Kancheepuram District 629 201.

6. V.Muthukumar

7. Narasingamurthy

8. Arunadevi

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to act upon the orders passed by the first respondent bearing ref.O.Mu.No.14210/2021/AA3 dated 15.09.2021 considering the Enquiry Report of 5th respondent dated 16.08.2019 and the report of 3rd respondent bearing ref.UMU:261 dated 03.09.2019 and consequently protect the petitioner's land bearing S.No.219/1A at Kozhumanivakkam Village, Magadu Post, Kancheepuram District under land Grabbing Act.

For Petitioner : Mr.Perumbulavil Radhakrishnan

for Mr.S.P.Vijayaragavan

For Respondents : Mr.Leonard Arul Joseph Selvam
Govt.Advocate (Crl.side) for R1 to R5

O R D E R

This petition has been filed to call for the records pertaining to the issue of the order dated 17.12.2020 in proceedings vide C.No.260A/DSP/ALGSC/KPM/2019 passed by the Sub Inspector of Police, Land Grabbing Cell Sub Division, Kancheepuram District, Office of the District Crime Branch, Kancheepuram, the third respondent herein and quash the same and direct the respondents 1 to 3 to restore the complaint and register an FIR and deal with the accused involved in the matter against respondents 4 to 6.

2. The learned counsel for the petitioner submitted that the report of the District Revenue Officer, Vandavasi Salai, Kancheepuram clearly indicates that there is an encroachment in the water channel which blocks the free flow of the water to the petitioner's land. The Collector has found that there is an encroachment and directed the Superintendent of Police to remove the encroachment, despite the same, no action has been taken and hence seeks direction by way of police protection.



3. Heard both sides.

4. At the outset, the learned Additional Public Prosecutor submitted that the petitioner's petition has been enquired and Superintendent of Police has closed the matter and relegated the parties to approach the Civil Court. On perusal of the order passed by the Superintendent of Police, it is clear that the parties are relegated to approach the Civil Court as both make claim over the disputed property. When there is a dispute in respect of immovable property or right in the immovable property a blanket order or police protection cannot be granted. Police Protection can be granted only when there is a decree or order which is conclusive, determining the rights of the parties and if any interference is made, normally the Court will interfere and direct the police to give protection. Therefore, when there is a dispute or rival claim over the property or water channel, until the same is decided properly the Court cannot direct the police to support one party or other and such direction will in fact lead to serious consequences in this regard. The Hon'ble Apex Court in the case of 'PR.Muralidharan and others Vs.Swami Dharmananda Theertha Padar' reported in 2006 4 SCC has 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.'

5. Such view of the matter, I do not find merits in this petition and it is well open to the petitioner to establish his right before the appropriate forum. Accordingly the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

dpq



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Pallavaram Vattam,

Kancheepuram District 629 201.

+1 cc to Mr.S.P.Vijayaragavan , Advocate Sr.NO. 36340

W.P.No.12343 of 2022

mg (CO)

A.SK(08/07/2022)