



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.06.2022

CORAM :

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THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.13375 of 2022

V. Kala

... Petitioner

Vs.

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
2. The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District,
Krishnagiri.
3. The Taluk Surveyor
Kaveripattinam Union
Krishnagiri Taluk,
Krishnagiri District.
4. Settu
5. Bharathi

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to grant police protection to survey the land admeasuring 0.3 cents or 1308 sq.ft out of 0.06.5 hectares, comprised in Sy.No.401/1A2 and present Re-Survey No.401/1A2B situated at Paiyur Village, Kaveripattinam Union, Krishnagiri Taluk and district by the third respondent.

For Petitioner : Mr.A.Sathasivam

For Respondents: Mr.A.Gokulakrishnan
Addl. Public Prosecutor for R1 & R2

O R D E R

This writ petition has been filed to direct the respondents 1 and 2 to grant police protection to survey the land admeasuring 0.3 cents or 1308 sq.ft out of 0.06.5 hectares, comprised in Sy.No.401/1A2 and present Re-Survey No.401/1A2B situated at Paiyur Village, Kaveripattinam Union, Krishnagiri Taluk and district by the third respondent.



2. The learned counsel for the petitioner submitted that the property admeasuring 3 cents comprised in Sy.No.401/1A2 and present Re-survey No.401/1A2B belongs to the petitioner and after purchasing the property she had approached the surveyor on 28.02.2022 seeking to survey the land and also paid the entire fees for survey and measure of her land and boundaries. Thereafter the petitioner sold the property to and in favour of one Madhaiyan by virtue of registered sale deed dated 07.04.2022 and on 18.05.2022 again when the surveyor came to the petitioner's land to survey the land, the said Settu and Bharathi without having any right, title or interest over the aforementioned property have created trouble to the petitioner and restrained the surveyor to do his official duty. Hence he prayed for police protection.

3. The learned Additional Public Prosecutor would submit that the respondent police cannot give police protection in a case of this nature.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

5. The main contention of the petitioner is that she had sold the entire extent of property admeasuring 3 cents comprised in Sy.No.401/1A2 and present Re-survey No.401/1A2B situated at Paiyur Village, Kaveripattinam Union, Krishnagiri Taluk and district to and in favour of one Madhaiyan by virtue of registered sale deed dated 07.04.2022 bearing document No.1659/2022 on the file of SRO, Kaveripattinam, her name was also mutated in the Revenue records. After selling the property she did not hand over the possession to the purchaser. When she made an attempt to survey the lands the respondents 4 and 5 herein objected the same and created problem, therefore she seeks police protection. At the outset, this Court is unable to countenance the submission of the learned counsel for the petitioner. If at all the petitioner has any dispute with regard to measurement and survey of the land, the proper course is to approach Civil Court by making the respondents as a necessary party or to appoint an Advocate Commissioner, without resorting the same, as a blanket order police protection cannot be granted. In our experience we have also seen by way of police protection order, particularly in measurement of lands, it leads to serious consequences and also encroachments, therefore the rights of the third parties are prejudiced. Without hearing the third party such a blanket order cannot be passed by this Court while exercising Section 482 of Cr.P.C.



6. With the above observation, the Writ Petition is dismissed. No costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
2. The Inspector of Police,
Kaveripattinam Police Station,
Krishnagiri District,
Krishnagiri.
3. The Taluk Surveyor
Kaveripattinam Union
Krishnagiri Taluk,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court, Madras.

W.P.No.13375 of 2022

NR(CO)
A.SK(15/06/2022)