



W.P.No.32757 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 06.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN**

**W.P. No. 32757 of 2022**

**and**

**W.M.P.Nos.32150, 32152 & 32156 of 2022**

1.N.Ramakrishnan

2. N.Asokan

... Petitioners

**Vs.**

1. The Deputy Superintendent of Police,  
Thirupapuliyur, Cuddalore -2.

2. The Inspector of Police,  
Thirupathripuliyur Police Station,  
Thirupathripuliyur, Cuddalore.

3. Kavitha,  
The Inspector of Police,  
Thirupathripuliyur Police Station,  
Thirupathripuliyur, Cuddalore.

4. R.Gnanachandran

5. R.Gobikanthan

...Respondents

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India, pleaded to pass an order of Interim Direction, directing the 2nd Respondent (R.3) to take action on the complaint dated 22.08.2022, investigate the matter, file charge sheet and prosecute the surviving Accused viz., Manikandan & others for the offences committed by them.



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For Petitioners : Mr.T.P.Manoharan  
Senior Advocate  
for Mr.T.M.Naveen

For R1 & R2 : Mr.S.Santhosh  
Government Advocate (Crl.Side)

### **ORDER**

The Writ Petition has been filed to pass an order of Interim Direction, directing the 2nd Respondent (R.3) to take action on the complaint dated 22.08.2022, investigate the matter, file charge sheet and prosecute the surviving Accused viz., Manikandan & others for the offences committed by them.

2.The learned counsel appearing for the petitioners submitted that the petitioners are owners of the property in Survey No.862/1- R.S.No.397/3-B in Ramapuram Village, Cuddalore Taluk, measuring 95.32 Acres. On the north of the petitioner's property, there is a property in survey No.862/1 R.S.No.397/3A2E owned by the 4th & 5th respondents. He further submitted that, one Muthukrishnan along with three unidentified persons had cut and removed bamboo fence. In this regard, a complaint was lodged and it was received in C.S.R.No.567 of 2022. Thereafter, the second



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respondent on her own brought a Surveyor -Raja Mahendran to the petitioner's land and measured the land in the absence of the petitioners without referring to the title deeds and revenue records. Thereafter, the said Muthukrishnan had incorrectly planted boundary stones and claimed that the land owned by the respondents 4 &5 extends to the land of the petitioners. The respondents 1 to 3 are aiding the 4th & 5th respondents in this regard. Therefore, this petition is filed.

3. The learned Government Advocate (Crl.Side) submitted that, based on the complaint lodged by the petitioner's side, enquiry is pending in C.S.R.No.567 of 2022.

4. Considering the rival submissions and on perusal of records, it is clear that there is a boundary dispute between the petitioners and the 4th & 5th respondents. The 4th & 5th respondents claims certain portion of land in the land of the petitioner. It is also seen that there are allegations made against the 4th & 5th respondents, that they removed bamboo fence. It is also seen that there is a dispute between the petitioners and the 4th & 5th respondents, which is civil in nature. Only if law and order issue is involved or any crime is committed, the respondents 1 to 3 can interfere. Hence, this



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Court is of the view that the respondents 1 to 3 cannot interfere with the petitioner's civil right.

5. It is brought to the notice that the petitioners had not approached the Civil Court so far in this regard. It is made clear that only the Civil Court has the competent jurisdiction to adjudicate the boundary dispute.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

7. The Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur***, reported in ***(2018) 2 LW Crl 489*** and the Hon'ble Supreme Court in its latest judgment rendered by a three Judge Bench in ***M.Subramaniam v. S.Janaki***, reported in ***(2020) 5 CTC 464***, after relying upon ***Sakiri Vasu's*** Case, has categorically held that the High Court cannot issue any direction for registration of FIR. High Court can intervene only in extraordinary circumstances and rare cases. However, taking note of the fact that the complaint is now pending and not been enquired, the Investigation officer is directed to issue notice to the parties and conduct



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enquiry as directed by the Hon'ble Apex Court in the case of ***Lalita Kumari***

***Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]***. If any

cognizable offence is made out, the respondent police is bound to register the

FIR otherwise they may close the complaint. Such exercise shall be

completed within a period of two weeks from today.

8. With the above directions, this Writ Petition is disposed of.

Consequently connected miscellaneous petitions are closed.

**06.12.2022**

Index :Yes/No

Internet:Yes/No

Sma



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**G.CHANDRASEKHARAN, J.**

Sma

To

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Thirupathripuliyur Police Station,  
Thirupathripuliyur, Cuddalore.
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Thirupathripuliyur Police Station,  
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4. The Public Prosecutor,  
High Court of Madras.

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