



W.P(MD)No.22690 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.22690 of 2022

A.Anjalin Nirmala

... Petitioner

Vs

1.The Superintendent of Police,
Dindigul District,
Dindigul.

2.The Inspector of Police,
Ambathurai Police Station,
Dindigul District.

3.The Tahsildar,
Athoor Taluk,
Dindigul District.

4.The Surveyor,
Athoor Taluk,
Dindigul District.

5.Kulandaiswamy

6.B.Jesuraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 herein to provide adequate police protection to



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survey the petitioner's land in Survey NO.634/1 situated at Kilakottai Village at A.Vellodu in Athoor Taluk, Dindigul District based on the petitioner's representation dated 17.09.2022 within a stipulated time fixed by this Court.

For Petitioner : Mr.A.Alexander

For R1 to R4 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking direction to the first and second respondents herein to provide police protection to measure the property situated in Survey No.634/1 at Kilakottai Village, A.Vellodu in Athoor Taluk, Dindigul District, on the basis of the representation of the petitioner, dated 17.09.2022.

2.Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor takes notice for the respondents 1 to 4. By consent of both the parties, this Writ Petition is taken up for final disposal.

3.The learned counsel for the petitioner submitted that the property absolutely belongs to the petitioner and the private respondents herein without any right are making trouble, when he took steps to measure the



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property. He lodged a complaint in C.S.R.No.192 of 2020, but no action was taken by the respondent police. Again when the petitioner tried to measure land on 10.09.2022, the private respondents made trouble. On that basis, the present complaint was made. Since no action has been taken by the respondent police, the petitioner is before this Court.

4.The learned Additional Public Prosecutor appearing for the official respondents would submit that the complaint given by the petitioner was enquired in C.S.R.No.286 of 2022. In that enquiry, both the petitioner and the private respondents herein along with one Prabhu have appeared. After negotiation, the sixth respondent had given a statement to the effect that they will resolve their dispute through civil process. Similarly, the petitioner also had given a statement to the very same effect. Recording the statement of both the parties, the complaint was closed.

5.Heard the learned counsel appearing on either side.

6.The fact that whether private respondents herein are having any right over the property in question or not is the matter for consideration



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by the concerned Civil Court as undertaken by the petitioner as well as the sixth respondent herein. According to the petitioner, no undertaking was given by the petitioner in the earlier complaint in CSR No.192 of 2020. But he had given an undertaking in the subsequent complaint. Suppressing the undertaking given by the petitioner as well as the sixth respondent herein in C.S.R.No.286 of 2022, this petition has been filed. Suppression of facts itself is sufficient enough for rejecting the request made by the petitioner.

7. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to workout his remedy through civil proceedings. No costs.

28.09.2022

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To

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Inspector of Police,
Ambathurai Police Station,
Dindigul District.
- 3.The Tahsildar,
Athoor Taluk,
Dindigul District.
- 4.The Surveyor,
Athoor Taluk,
Dindigul District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

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