



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2022

CORAM :

WEB COPY

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.22847 of 2022

S.Selvaraj

...Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur District,
Thanjavur - 613 010.

2.The Inspector of Police,
Budalur Taluk,
Budalur,
Thanjavur - 613 602.

3.A.John Jayaseelan

4.Meena

5.S.Rajendran

6.S.Thomas Gunendran

7.S.Ravindran

8.Anandharaj

9.Thiraviya Mary

10.A.Michael Jayaraj

11.M.Antony Arokiaraj

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first and second Respondents to give adequate Police Protection to the Petitioner and secure his life and the Petitioner's property survey No.246A/1C-7A property at Budalur Taluk, Thanjavur District - 613 602 from the 3rd to 11th Respondents and direct the second Respondent to consider the representation dated on 18.07.2022.

For Petitioner : Mr.B.Sargunam

For R1 - R2 : Mr.R.Sivakumar
Government Advocate (Crl.side)

For R3 - R11 : No Appearance



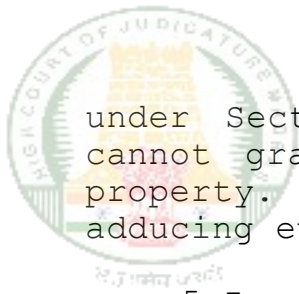
O R D E R

This Writ Petition has been filed seeking issuance of a writ of mandamus directing the first and second Respondents to give adequate Police Protection to the Petitioner and secure his life and the Petitioner's property in Survey No.246A/1C-7A at Budalur Taluk, Thanjavur District - 613 602 from the Respondents 3 to 11 and direct the second Respondent to consider his representation dated on 18.07.2022.

2.The learned Counsel for the Petitioner submits that the Petitioner is a Senior Citizen aged about 84 years. The property belonging to the Petitioner herein had compound wall of the four side. It is the contention of the learned Counsel for the Petitioner that the adjacent land owner is alleged to have caused damages to the compound wall of the Petitioner on three occasions. When the petitioner informed the respondent police, it does not meet the end however it aggravated the issue with the adjacent land owner. Subsequently, they with the support of few others people by using JCB machine damaged the compound wall and the gate. Therefore, the Petitioner is alleged to have suffered loss to the tune of Rs.1.50 lakhs. It is the contention of the learned Counsel for the Petitioner that he had preferred a complaint on three occasions. The first instance was on 20.05.2022, the second instance was on 24.06.2022 and the third instance was on 09.07.2022. He had mentioned the names of the persons on the three occurrences also. In spite of the same, there is an inaction on the part of the Respondent police. Therefore, he seeks Police Protection.

3.The learned Government Advocate (Crl.side) submits that based on the complaint of the Petitioner, C.S.R.No.294 of 2022 was registered and enquiry was conducted by the second Respondent. The second Respondent has also received a complaint regarding the same from the Respondents 3 to 11. On enquiry, the Respondents 3 to 11 have appeared, but the Petitioner did not appear. Therefore, the second Respondent had closed the said C.S.R. as it is civil litigation between the parties and they have work out their remedy in the concerned civil Court.

4.Considering the averments set out in the petition, it is found that there is a boundary dispute between the Petitioner and the site owners as pointed out by the learned Government Advocate (Crl.side). The second Respondent had conducted enquiry and the Petitioner had not co-operated with investigation. The Respondents 3 to 11 had appeared as if what had been submitted by the second Respondent. As submitted by learned Government Advocate (Crl.side), the Petitioner has to work out his remedy only before the concerned civil Court by invoking power



under Section 229 of the Constitution of India and the Court cannot grant compensation for the alleged damage caused on the property. It has to be considered only by the Civil Court by adducing evidence on the side of the Petitioner.

5. In the light of the above, this Writ Petition stands dismissed with liberty to the Petitioner to work out his remedy before the Civil Court.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/11/2022

Sub Assistant Registrar (CS)

vsd

To

1. The Superintendent of Police,
Thanjavur District,
Thanjavur - 613 010.
2. The Inspector of Police,
Budalur Taluk,
Budalur,
Thanjavur - 613 602.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) No. 22847 of 2022

17.10.2022

AMS (31.10.2022) 3P 4C