



W.P(MD)No.25197 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

CORAM :

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

W.P(MD)No.25197 of 2022

Anitha

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Aandipatti Sub Division,
Aandipatti.

3.The Inspector of Police,
Rajathani Police Station,
Theni District.

4.The Sub Inspector of Police,
Gandamanur Police Station,
Theni District.

5.The President,
Dr.Annual Ambedkhar Auto Drivers Welfare Association,
Theni District.

6.The President,
Dr.Annual Ambedkhar Mini Load Vehicles Drivers &
Owners Association,
Theni District.

...Respondent



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 1st to 3rd respondents herein to provide police protection to the Petitioner against the 5th and 6th respondents for construction compound wall within his patta land in S.F.No.999/1A, situated in Vallanathi Village, Aundipatti Taluk, Theni District as such boundaries marked as per survey report, dated 28.10.2021 issued by the Revenue Inspector, Gandamanur based on the representation, dated 08.10.2022.

For Petitioner : Mr.A.Mithun Chakravarthi

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

ORDER

This Writ Petition had been filed seeking issuance of a Writ of Mandamus, to direct the 1st to 3rd respondents herein to provide police protection to the Petitioner against the 5th and 6th respondents for construction compound wall within his patta land in S.F.No.999/1A, situated in Vallanathi Village, Aundipatti Taluk, Theni District as such boundaries marked as per survey report, dated 28.10.2021 issued by the Revenue Inspector, Gandamanur based on the representation, dated 08.10.2022.



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2.The learned Counsel for the Petitioner submitted that it is a self acquired property through a sale deed. Subsequently, the Auto Stand Association represented by the 5th and 6th Respondents objected to put up a compound wall protecting the Petitioner's private property from the road.

3.The learned Additional Public Prosecutor submitted that the Petitioner had given representation to the Respondents 1 to 4, dated 08.10.2022. In the light of the representation of the Petitioner, a peace committee meeting was held on the the basis of earlier dispute between the Petitioner and the Respondents 5 and 6. Based on the report of the 4th Respondent, the Executive Magistrate, in which, peace committee was formed, both parties had agreed to the peace talks, thereby, the Petitioner permitted to put up a compound wall within his patta land (self acquired property through a sale deed). Now, the Respondents 5 and 6 obstructing to put up the constructions. The Respondents 1 to 4 have no right to interfere with the entire peaceful possession of the Petitioner.

4.In the light of the submission made by the learned Counsel for the Petitioner and the learned Additional Public Prosecutor, it is not a fit



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case for issuing a Writ of Mandamus under Article 226 of the Constitution of India. The Petitioner is advised to seek his appropriate remedy through Civil Court as per law.

5. With the above direction, this Writ Petition stands disposed of.

No costs.

15.11.2022

Index : Yes/No
vsd

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3. The Inspector of Police,
Rajathani Police Station, Theni District.
4. The Sub Inspector of Police,
Gandamanur Police Station, Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

vsd

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