



W.P.(MD)No.25230 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25257 of 2022

Mrs.Parameshwari

... Petitioner

Vs

- 1.The District Collector,
Tenkasi District,
Collectorate,
Tenkasi-627 811.
- 2.The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Maharaja Nagar,
Tirunelveli-627 011.
- 3.The District Revenue Officer,
District Revenue Office,
Tenkasi District,
Tenkasi-627 811.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi District-627 803.
- 5.The Revenue Divisional officer,
Revenue Divisional office,
Tenkasi District,
Tenkasi.
- 6.The Tahsildar,
Alangulam Taluk Office,



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Alangulam-627 851,
Tenkasi District.

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7.The Sub-Registrar,
Sub-Registrar Office,
No.4/192, Middle Street,
Kadayam-627 415.

... 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 respondent to include all legal documents relating to the land situated in Survey No.30/8 and 30/9D in Sale deed No.5134/2021 to an enquiry and order to remove all the hurdles on the basis of the representation, dated 21.09.2022.

For Petitioner	: Mr.B.Char Murugan
For Respondents	: Mr.K.Christy Theboral
1 to 3, 5 to 7	Additional Government Pleader
For R4	: Mr.B.Thanga Aravindh
	Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to include all legal documents relating to the land situated in Survey No.30/8 and 30/9D in Sale deed No.5134/2021 to an enquiry and order to remove all the hurdles on the basis of the representation, dated 21.09.2022.



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2.Heard Mr.B.Char Murugan, learned counsel appearing for the petitioner, Mrs.K.Christy Theboral, learned Additional Government Pleader appearing for the respondents 1 to 3, 5 to 7 and Mr.B.Thanga Arvindh, learned Government Advocate.

3.The learned counsel appearing for the petitioner would submit that the petitioner purchased 40 cents of land in survey No.30/8 and 43 cents in survey No.30/9D in Thuppakudi Village, Alangulam Taluk. She purchased the above said lands through registered sale deed and she got a patta. the petitioner's properties were surveyed. Police protection was also given by this Court in CrI.O.P(MD)No.7054 of 2022. After surveying the land, she had fenced with iron materials with the above stated land. She is having possession and maintaining the above stated land. In the meantime, the following persons from Indira Nagar in Thuppakudi Village disturbed her possession Booma Devi, W/o.Late Murugan, Mariappan S/o.Late.Murugan, Vellaiyan @ Mariappan S/o.Late Murugan, Mariappan, S/o.Samuthiram, Jothi D/o.Late Murugan, Sankar S/o.Patchathu Selvam S/o.Vellapandi and Mahalingam S/o.Ramaiah. They threatened the labourers working the her land and used filthy language and also inhibited the works in the land. Due to that, she lodged a complaint before the Inspector of Police, Alwarkurichi Police Station on 11.07.2022,



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13.07.2022 and 27.07.2022. On 30.07.2022 at about 09.00 p.m., the above said

persons came to her land with iron weapons and broke her land's iron gate and locks and destroyed the fencing in the shed inside the fencing and the value of the damage is Rs.4,25,000/-. Regarding the above incident, the petitioner has given a complaint, dated 31.07.2022 with the Inspector of Police, Alwarkurichi Police Station. On 03.08.2022 the above said persons had stolen the plastic barrel, iron sheets and iron rolling nets and 10 pack cements from her land. Therefore, she lodged a complaint on 05.08.2022 to the Inspector of Police, Kadayam Police Station. The Inspector of Police had not filed any case against the accused and hence, the petitioner filed a writ petition in W.P(MD)No.18271 of 2022 and she got an order for fair enquiry. But, till date, the Inspector of Police has not taken any action. Thereafter, the Inspector of Police, Anti Land Grabbing Police Station, Tenkasi District got a petition from Mrs.Boomadevi and began to enquire that petition. The petitioner is based on non-connected documents relating to the land she owned. That petition is frivolous petition on the basis of this frivolous petition, the Inspector of Police is harassing him. Hence, she filed a petition in CrI.O.P(MD)No.16836 of 2022 before this Court. The Inspector of Police threatened the witnesses in sale document No. 4217/2021 in the enquiry on the frivolous petition on 17.09.2022.



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4. He would further submit that on 19.09.2022, the petitioner lodged a complaint with the second respondent regarding the unnecessary enquiry and an unfair enquiry by the Inspector of Police, Anti land Grapping, Tenkasi District. The second respondent during the submission of her complaint, ordered for the meeting on her petition. The petitioner has submitted her grievances orally with the first and third respondents on 13.09.2022.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 and 5 to 7 would submit that now the petitioner prayed for a direction, directing the first respondent to include all legal documents relating to the land situated in Survey No.30/8 and 30/9D in Sale deed No.5134/2021 and to hold an enquiry and order to remove all the hurdles on the basis of the representation, dated 21.09.2022 and this prayer cannot be accepted by this Court. If any person disturbing the possession of the petitioner, she ought to have approached the competent civil Court. The petitioner has already given a complaint to the concerned police station on different category including the Land Grabbing Cell and after the enquiry, she has got the appeal remedy for setting aside the said enquiry and also the petitioner cannot maintain the writ petition as the Collector is not the authority and he has no power to decide the title and the Civil Court is the appropriate Forum.



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6.Considering the limited scope of the prayer sought for by the petitioner, this Court directs fourth respondent to consider the petitioner's representation, dated 21.09.2022 and pass appropriate orders on merits and in accordance with law, as early as possible, after giving an opportunity to the parties concerned. If the petitioner has got the title deed and valid patta, he can approach the Competent Civil court.

7.This Writ Petition stands disposed of with the above directions. No costs.

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Index : Yes/No
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