



WEB COPY



WP.No.3453 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR

WP.No.3453 of 2023

B.Vikram Kumar

.. Petitioner

Versus

1.The District Collector
Tiruppur
Tiruppur District

2.The Tahsildar
Palladam
Tiruppur District

3.The Superintendent of Police
Tiruppur District

4.The Deputy Superintendent of Police
Palladam

5.The Inspector of Police
Palladam Police Station
Palladam

6.A.Jeganathan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent No.2 to survey the petitioner property and earmarked the boundaries with police protection for fencing the petitioner property situated at Karadivavi Panchayat Board, Karadivavi Village, in S.No.262/1A,1B,1C,1D, Palladam Taluk, Tiruppur District.



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For Petitioners : Mr.G.Rajesh

For Respondents : Mr.P.Sathish for R1 to R5
Additional Government Pleader

ORDER

This writ petition is filed seeking for the issuance of Writ of Mandamus to direct the second respondent to survey the petitioner property and earmark the boundaries with police protection for fencing the petitioner property situated at Karadivavi Panchayat Board, Karadivavi Village, in S.No.262/1A,1B,1C,1D, Palladam Taluk, Tiruppur District.

2. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5 and perused the materials available on record.

3. On perusal of the very affidavit itself, it appears that there is a civil dispute between the petitioner and the sixth respondent, wherein, it is stated that the sixth respondent is allegedly trespassed into the the subject property.

4. Such view of the matter, it is for the petitioner to establish the title. If the petitioner has a clear title over the property, nothing, prevents the petitioner from filing an application or suit before the competent Civil Court



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under the Tamil Nadu Survey and Boundaries Act, 1923 for establishing proper records. In fact, that will give an ultimate finality. Without such proper method, this Writ Court cannot give direction to measure the property particularly when there is a civil dispute between the parties. In this regard, the Hon'ble Apex Court in the judgment of ***P.R.Muralidharan and others Vs. Swami Dharmananda Theertha Padar and others*** reported in ***(2006) 4 SCC 501*** has held that what are all the matters for which police protection can be granted. For better appreciation, the relevant portion of the judgment is extracted below:

“...19. A writ for “police protection” so-called, has only a limited scope, as, when the court is approached for protection of rights declared by a decree or by an order passed by a civil court. It cannot be extended to cases where rights have not been determined either finally by the civil court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.”

5. The Writ Petition stands dismissed with the above directions.

However, there shall be no order as to costs.

08.02.2023

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Internet : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



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N.SATHISH KUMAR, J.

dhk

To

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Tiruppur District

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Palladam
Tiruppur District

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