



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 06.07.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.19824 of 2023**

R.Radhakrishnan

... Petitioner

Vs.

1.The Taluk Surveyor,  
Kilpennathur Taluk,  
Thiruvannamalai District.

2.The Thasildar  
Kilpennathur Taluk,  
Thiruvannamalai.

3.The Inspector of Police,  
Verayur Police Station,  
Thiruvannamalai District.

4.Krishnan

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3<sup>rd</sup> respondent to provide police protection to the 1<sup>st</sup> respondent while measuring the land in SF No.57/2A and Sf 57/2A1 in Anandal Village, Kilpenatthur Village, Thiruvannamalai District and for consequential orders and thereby render justice.



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For Petitioner

: Mr.Sunny  
For Mrs.Srimathi.V

For R1 to R3

: Mr.C.Jayaprakash  
Government Advocate

## **ORDER**

The relief sought for in the present writ petition is to direct the 3<sup>rd</sup> respondent to provide police protection to the 1<sup>st</sup> respondent while measuring the land in SF No.57/2A and Sf 57/2A1 in Anandal Village, Kilpenatthur Village, Thiruvannamalai District.

2. The petitioner states that he purchased the subject property described in the present writ petition. The petitioner submitted an application under the provisions of the Tamil Nadu Survey and Boundaries Act to measure the land belonging to the petitioner. When the 1<sup>st</sup> respondent / Taluk Surveyor attempted to conduct survey, the 4<sup>th</sup> respondent raised serious objections and therefore, the 1<sup>st</sup> respondent could not survey the land. Thus, the petitioner has chosen to file the present writ petition seeking Police protection.



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3. The 1<sup>st</sup> respondent / Taluk Surveyor is a Government Official, who is expected to conduct survey only in the event of no dispute. If at all there is any dispute between the parties regarding title or ownership, then the 1<sup>st</sup> respondent / Surveyor cannot conduct any survey and the parties are bound to approach the competent Civil Court of Law for the purpose of conducting survey or seeking police protection. All such reliefs are to be sought for before the Civil Court only by way of an adjudication of disputed facts.

4. High Court in a writ proceeding cannot conduct a roving enquiry regarding title or ownership between the properties. The power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which the decision is taken by the competent authorities in consonance with the Statutes and Rules in force, but not the decision itself. Therefore, the parties aggrieved in respect of such right of civil nature have to approach the Civil Court of Law.

5. In the present case, direction as such sought for to grant police protection if granted would cause prejudice to the interest of the other party and therefore, the petitioner is at liberty approach the Competent Civil Court



of Law.

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6. Accordingly, this Writ Petition stands dismissed. No costs.

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Jeni

Index : Yes

Neutral Citation : Yes

Speaking order

To

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**S.M.SUBRAMANIAM, J.**

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