



W.P. No. 26170 / 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : **27.04.2023**
PRONOUNCED ON : **10.05.2023**

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P. No. 26170 of 2021

K.Venkatesan

... Petitioner

Versus

1. The Superintendent of Police,
Cuddalore District.
2. The Inspector of Police,
Mangalampettai Police Station,
Mangalampettai,
Viruthachalam Taluk,
Cuddalore District.
3. The Taluk Surveyor,
Mangalampettai,
Viruthachalam Taluk,
Cuddalore District.
4. The Village Administrative Officer,
Mangalampettai,
Viruthachalam Taluk,
Cuddalore District.
5. Marimuthu
6. Sivakasi
7. Neethimani

... Respondents



W.P. No. 26170 / 2021

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 and 2 to give police protection to lay compound wall around the petitioner's property in SF. No. 24/5A, Mangalampettai, Viruthachalam Taluk, Cuddalore District.

For Petitioner : Mr. M.Muruganandam

For Respondent : Mr. A.Damodaran,
Additional Public Prosecutor for R1 to R4

No appearance for R5 and R6

Mr. A.M.Nataraj for R7

ORDER

The writ petition is for a mandamus directing the respondents 1 and 2 to give police protection to lay compound wall around the petitioner's property measuring 4 cents in SF. No. 24/5A, Mangalampettai, Viruthachalam Taluk, Cuddalore District; that his neighbours, who owned the property measuring 5 cents in SF. No. 24/5, are claiming title over the petitioner's property and interfering in his possession.



W.P. No. 26170 / 2021

2. The learned counsel for the petitioner submitted that the property absolutely belongs to the petitioner and the respondents 6 and 7 are interfering in his right to enjoy the property. The learned counsel further submitted that the respondents 6 and 7 had failed in their attempt before the Civil Court and the judgment of the Civil Court could establish the petitioner's right. Therefore, he is entitled for protection.

3. The learned Additional Public Prosecutor appearing for the respondents 1 to 4 submitted that the enquiry was conducted by the Deputy Registrar, Registration Department which was not in favour of the petitioner. The petitioner had filed an appeal before the Deputy Inspector General of Registration, and he had sent a report on 18.04.2023 to the respondent police stating that the respondents 6 and 7 were not guilty of any fraudulent transactions or fraudulent registration of documents. Thereafter, the respondent police conducted an enquiry and submitted that it was not possible for the first respondent to enter into a civil dispute and rejected the request of the petitioner.

4. This court finds on the averments made in the writ petition that a direction cannot be issued to the respondent police as prayed for by the



W.P. No. 26170 / 2021

petitioner. Admittedly, there are civil disputes between the petitioner and respondents 6 and 7. If the petitioner is aggrieved by any action of the respondents 6 and 7 in interfering in his possession, it is for him to approach the Civil Court which would be the appropriate forum to decide the issue on hand. It is seen that the petitioner, aggrieved by the decision taken by the Deputy Registrar, had filed an appeal before the Deputy Inspector General of Registration, and he had confirmed the order of the Deputy Registrar. In such circumstances, it would not be proper for the respondent police to decide on the title and give police protection. They have rightly rejected the petitioner's request for police protection. The tendency to approach the police in such matters cannot be encouraged. No doubt, in certain cases, it may yield the desired result. That does not mean that one should ignore the procedure prescribed under the law. A Police Station cannot be considered as a panacea for all disputes. Hence, this Court is not inclined to entertain this writ petition.

5. With the above observations, the writ petition is dismissed. No costs.

10.05.2023



W.P. No. 26170 / 2021

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

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5. The Additional Public Prosecutor,
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W.P. No. 26170 / 2021

SUNDER MOHAN, J

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W.P. No. 26170 of 2021



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W.P. No. 26170 / 2021

Dated: 10.05.2023