



W.P.No.30240 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.30240 of 2022

Prabakaran

...Petitioner

-Vs-

1.The Superintendent of Police,
Dharmapuri District,
Dharmapuri – 5.

2.The Deputy Superintendent of Police,
Pennagaram Police Sub-Division,
Pennagaram, Dharmapuri – 636 810.

3.The Inspector of Police,
Eriyur Police Station,
Eriyur, Pennagaram Taluk,
Dharmapuri District.

4.The Sub-Inspector,
Perumbalai Police Station,
Pennagaram Taluk,
Dharmapuri District – 636 811.

5.The Tasildhar,
Pennagaram Taluk,
Dharmapuri District – 636 810.

6.Palanisamy

7.Anandaayi

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, forbear the respondents 1 to 5 from not to interfere in the issues of civil dispute with regard to the property of vacant agriculture land comprised in S.No.168/C having a total extent of 7 Acres 54 Cents till the adjudication of issues by the appropriate civil forum.

For Petitioner : Mr.P.G.Thiyagu

For R1 to R5 : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed for direction directing the respondents 1 to 5 herein from not to interfere in the issues of civil dispute with regard to the property of vacant agriculture land comprised in S.No.168/C admeasuring to an extent of 7 Acres 54 Cents till the adjudication of issues by the appropriate civil forum.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents and perused the materials available on record.

3. It is seen that the sixth respondent is the owner of the agricultural land comprised in S.No.168/C4B admeasuring to an extent of 3.77 Acres and in S.No.169/A1 admeasuring to an extent of 3.08 Acres, situated at



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Kavakadu, Kendeiyanahalli Village, Pennagaram Taluk, Dharmapuri District.

There was dispute between the petitioner's father and the family members of one Kathan in respect of the property comprised in S.No.168/C. The said Kathan filed a suit in O.S.No.275 of 1979 and the same was dismissed by a Judgment and Decree dated 17.03.1984. Thereafter, the said property was partitioned between the family members of the sixth respondent by way of Partition Deed vide document No.2641 of 2020. Thereafter, the sixth respondent submitted a representations to survey the land. However, it was not considered and as such, the sixth respondent filed writ petition before this Court in W.P.No.9127 of 2022. This Court, by an order dated 13.04.2022, recorded the submission of the learned Additional Public Prosecutor that if the petitioner therein fixes a date for survey with the revenue officials and intimate to the respondents and adjacent land owners, due enquiry would be conducted and appropriate protection will be given and dispose of the same.

4. The case of the petitioner is that the land comprised in S.No.168/A admeasuring to an extent of 4 acres 66 cents and the land comprised in S.No.168/C admeasuring to an extent of 7 acres 54 cents, was originally purchased by the petitioner's forefather. The petitioner is none other than the grandson of said Kathan. The only contention raised by the petitioner



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is that without adding the petitioner, who is in occupation of the adjacent land, the sixth respondent filed writ petition before this Court and obtained an order dated 13.04.2022.

5. As stated supra, though the petitioner or his grandfather is not held to the writ petition, this Court disposed the writ petition on recording the submission made by the learned Additional Public Prosecutor on behalf of the third and fourth respondents herein. However, the third and fourth respondents have no say in the civil dispute between the petitioner and the sixth and seventh respondents herein. As stated supra, the sixth respondent approached this Court to survey his land. Therefore, if any request made by the sixth respondent to survey his land and if the fifth respondent ordered to survey the land and at the time of surveying the land, if any disturbances caused by the petitioner or the counter parties, on the request made by the surveyor, the third and fourth respondents can consider the said request and pass appropriate orders to provide necessary police protection, while surveying the land as per the original title deeds.

6. With the above direction, this Writ Petition stands disposed of. It is made clear that if any complaint lodged by the petitioner or by the sixth and seventh respondents, the third and fourth respondents are directed to deal with



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the complaint and register the complaint if any cognizable offence is made out.

No costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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G.K.ILANTHIRAIYAN. J.

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6. The Public Prosecutor,
High Court, Madras.

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