



W.P.(MD)No.10024 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2023

CORAM

**THE HON'BLE MR.JUSTICE P.DHANABAL**

W.P.(MD)No.10024 of 2021  
and  
W.M.P.(MD)No.7742 of 2021

M.Vivek

... Petitioner

Vs.

- 1.The Revenue Divisional Officer,  
Thiruvaiyaru Taluk, Thnjavur District.
- 2.The Tahsildar,  
Thiruvaiyaru Taluk,  
Thanjavur District.
- 3.The Deputy Superintendent of Police,  
Thiruvaiyaru Taluk, Thanjavur District.
- 4.The Inspector of Police,  
Thiruvaiyaru Police Station, Thiruvaiyaru Taluk,  
Thanjavur District.
- 5.The Sub Inspector of Police,  
Thiruvaiyaru Police Station,  
Thiruvaiyari Taluk,  
Thanjavur District.
- 6.S.Paramasivam

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7.P.Ramachandran

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8.P.Panjabigesan

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing to the respondents 3 to 5 to provide adequate police protection to the petitioner's property in survey number 223/B4 situated at Rayempettai Village, Thiruvaiyaru Taluk, Thanjavur District by considering the petitioner's representation dated 02.11.2020 within a time frame to be stipulated by this Court.

For Petitioner : Mr.M.Vivek  
(Party-in-person)

For R1 to R5 : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

For R6 to R8 : Mr.A.Sivasubramanian

### **ORDER**

This Writ Petition has been filed to direct the respondents 3 to 5 to provide adequate police protection to the petitioner's property in survey number 223/B4 situated at Rayempettai Village, Thiruvaiyaru Taluk,



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Thanjavur District by considering the petitioner's representation dated 02.11.2020 within a time frame to be stipulated by this Court.

2. According to the petitioner, the father of the petitioner gave request to make correction in the patta. But the Tahsildar has not taken any action. Then, the revenue officials prepared patta grant order and thereafter, rejected. Firstly, they executed patta grant order, due to the refusal of the father of the petitioner to give bribe, the revenue officials refused to grant patta in the name of the petitioner. Thereafter, they filed contempt petition and thereafter, the revenue officials produced fake order copy. The petitioner's family running milk and dairy business in the village. Thiruvaiyaru Taluk officials in order to restrict the business blocked the house path way and main way of carrying milk and dairy delivering. Thereafter, the revenue officials put fencing in front portion of the petitioner's building and also put flex board with the name of Thiruvaiyaru Tahsildar. When he made a complaint and asked the Tahsildar, he did not give any clear answer. Thereafter, they demanded the petitioner to seek apology to the Thasildar, but the same was refused by the petitioner. The second respondent has erroneously registered



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extra 1.5 acres of land in the petitioner's family leasehold title in the lease register in survey No.229/2 situated at Rayempettai Village, Thiruvaiyaru Taluk, Thanjavur District. Thereby, they refused to provide free electricity water pump for watering the leasehold agriculture land. There was family dispute pending between two families. Thereafter, they transferred all property allotted to the family in their name with the assistance of the revenue officials. When the petitioner went to erect fence in his house plot, the respondents 6 to 8 prevented him. Hence, he made a complaint before the fifth respondent dated 02.11.2020, but no action was taken. Further, the fifth respondent stated that there was legal problem in the said land. Therefore, no action will be taken in that place. The third respondent did not give any clear answer to the question of the petitioner and he also colluded with the private respondents. Therefore, the petitioner filed the present petition to consider his representation dated 02.11.2020 for providing adequate police protection to his property in S.No.223/B4.

3.No counter was filed by the respondents.



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4.The petitioner (in-person) appeared through video conference would contend that the disputed property is belonging to him and there is civil dispute pending between him and the private respondents. The revenue officials, by colluding with the private respondents, refused to consider his representation dated 02.11.2020. Therefore, the petitioner filed the present petition to consider his representation dated 02.11.2020 for providing adequate police protection to his property in S.No.223/B4.

5.The learned counsel appearing for the private respondents would contend that already there is dispute pending between the parties with regard to the boundary, without identifying properties, it is not appropriate to give police protection to the disputed property. The petitioner and the private respondents are close relatives and there is a property dispute pending between the parties and hence, the relief sought for in this petition cannot be granted at this stage and this petition is liable to be dismissed.

6.The learned Additional Public Prosecutor appearing for the official respondents would contend that the representation of the



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petitioner was considered and the same was closed on 20.11.2020 itself and thereby, this petition is liable to be dismissed.

7.Heard both sides and perused the materials available in the records.

8.On perusal of records shows that there is property dispute pending between the petitioner and the private respondents and thereby, he requested the officials to survey the land and to erect fence over the property. Thereafter, he made representation dated 02.11.2020 for police protection to erect fence over the property. It is settled law that without any executable decree, Court cannot grant police protection for the disputed properties and thereby, the prayer of the petitioner will not be considered by this Court. That apart, the representation of the petitioner was already considered by the official respondents and the same was also closed on 20.11.2020. The petitioner can approach the civil Court for seeking appropriate remedy according to law.



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9.In view of the above discussions, this writ petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

**02.08.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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To

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- 5.The Sub Inspector of Police,  
Thiruvaiyaru Police Station,  
Thiruvaiyari Taluk,  
Thanjavur District.
- 6.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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**P. DHANABAL,J.**

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