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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30/06/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

WP (MD) No. 7221 of 2023

S.K.S.Mohamed Ismail : Petitioner

Vs.

- 1.The District Collector,
Office of the Collector,
Madurai.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai.
- 3.The Tahsildar,
Madurai South Taluk,
Madurai.
- 4.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Nagamalai Pudukottai,
Madurai District.

5.Sangeetha : Respondents

PRAYER:- Writ Petition has been filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining the impugned order, dated 17/11/2022 on the file of the 4th respondent, quash the same and direct the respondents 2 and 3 to conduct proper enquiry on the



basis of the 1st respondent proceedings in O.Mu.No. 11316/2019/G3, dated 20/05/2020 and pass such other orders.

For Petitioner : Mr.S.A.Ajmal Khan

For R1 to R4 : Mr.B.Nambiselvan
Additional Public Prosecutor

For 5th Respondent : No appearance

O R D E R

This writ petition is filed seeking quashment of the order, dated 17/11/2022 passed by the 4th respondent and direct the respondents 2 and 3 to conduct proper enquiry, on the basis of the 1st respondent proceedings in O.Mu.No.11316/2019/G3, dated 20/05/2020.

2.The facts in brief:-

The petitioner's father purchased the property, on 04/04/1966 in Survey No.32-A in Karadipatti Village, Madurai Taluk, measuring about 7 cents. After that, he was in possession. After the death of the father, the petitioner and his brother are in joint possession of the property. Some unknown persons disturbed their possession. So, he lodged a complaint seeking action.



That was forwarded to the 2nd respondent to take action in O.Mu.No.11316/2019/G3, dated 20/05/2020. In-spite of the petitioner regularly attending the enquiry, it was not properly undertaken. So, he filed WP(MD)No.7187 of 2022 for direction to the 2nd respondent to appoint a proper officer for the purpose of conducting enquiry in a time bound manner. That was disposed of by this court, on 18/04/2022 with a direction to the authorities to conduct the enquiry within a period of two weeks. Again, representation was made, on 29/08/2022. In the meantime, a joint patta was issued by including one Sangeetha. In-spite of repeated complaint/representation, no proper action has been taken. But the above said enquiry was closed by directing the petitioner to approach the civil court for appropriate relief.

3.Since, Land Grabbing is involved in this matter, this writ petition has been filed seeking direction to the 4th respondent to conduct proper enquiry by reopening the order of closure.

4.Heard both sides.



5. Reading of the closure report shows that the disputed property is about 7 cents in Survey No. 32A/11/A1. A writ petition was filed in WP(MD)No.7187 of 2022. As per the order of this court, enquiry was undertaken by the District Collector. The District Collector directed the Tasildhar, Madurai (West) to measure the property. The measurement was also undertaken.

6. A report was submitted by the Tasildhar stating that during survey, it was found that the above said property is standing as joint patta and only 5.50 cents available on land including the pathway. So, the petitioner alleged to have purchased the property in excess of the entire property. Similarly, the property belongs to Sangeetha was also measured in Survey No. 32A/12. She constructed a house and living there. Her sale deed tallies with that of the property available on ground. So, the parties were advised to work out their remedy through proper civil proceedings.

7. Now reopening the above said petition, this petition has been filed, which I find absolutely no merit.



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8.The issue between the neighbours over the right of the property with regard to the sharing the extent. That issue cannot be enquired and decided by the 4th respondent. As advised by the 4th respondent, the petitioner has to work out his remedy through civil process only. So, I find no merit in this petition.

9.In the result, this writ petition stands **dismissed**. No costs. But however, liberty is given to the petitioner to take appropriate proceedings before the appropriate forum in the manner known to law.

30/06/2023

Index:Yes/No
Internet:Yes/No

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Nagamalai Pudukottai,
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- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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G.ILANGOVAN, J

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WP (MD) No.7221 of 2023

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