



W.P.(MD)No.17945 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.17945 of 2023

C.Sam Devadasan

... Petitioner

Vs

- 1.The Sub Divisional Magistrate and
Sub Collector, Thoothukudi.
- 2.The Superintendent of Police,
Thoothukudi District, Thoothukudi.
- 3.The Deputy Superintendent of Police,
Thoothukudi, Thoothukudi District.
- 4.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.

5.P.Manikandan

6.P.Murugesan

7.P.Mani

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing respondent Nos.2 to 4 to provide adequate police protection from respondent Nos.5 to 7 and their henchmen and hired miscreants and goons, for cleaning and fencing the petitioner's property in Old.S.No.26/3B, New S.No.26/3B1A situated at Geekay Nagar, Korampallam Village, Thoothukudi District in terms of the order passed by the first



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respondent in Roc.No.B1/CrPC145/01/2019, dated 22.10.2022 by considering the petitioner's representation dated 21.04.2023 forthwith.

For Petitioner : Mr.V.Muthu Kamatchi

For R-1 to R-4 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This petition is filed seeking for a direction to respondent Nos.2 to 4 Police to provide adequate police protection from unofficial respondent Nos.5 to 7 intervening while cleaning and fencing the petitioner's premises.

2. According to the learned counsel for the petitioner, when there was a dispute between the petitioner and unofficial respondent Nos.5 to 7 in respect of the landed properties, the Sub Collector / Executive Magistrate has issued Section 145 proceedings vide Roc.No.B1/CrPC 145/01/2019 dated 22.10.2020 and after conclusion of the enquiry between two parties, the Revenue Divisional Officer has passed speaking orders, which are relevant to this petition, are as under.

"I do decide and declare that the B Party is in possession of only five cents of land wherein the original Sudalai Madasamy Temple i.e., the five feet Beedam after some distance from road and one feet stones in four corners around that Beedam put by the people of Periyanaagipuram Village



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after widening of Road, situated in S.No.26/3B1A1 Korampallam I Village, Thoothukudi Taluk, Thoothukudi District and the A Party is in possession of remaining 47 cents situated in S.No.26/3B1A1 Korampallam I Village, Thoothukudi Taluk, Thoothukudi District and both parties are entitled to retain such possession until further orders from any Court of law, and do strictly forbid any disturbance of their possession in the meantime.”

3. As per the above orders of the Revenue Divisional Officer, the petitioners, who belonged to “A” Party entitled for 47 cents in S.No.26/3B1A1 Korampallam I Village, Thoothukudi Taluk, Thoothukudi District, however, the survey has not been conducted and the boundaries have not been fixed in respect of 47 cents to identify within which boundaries 47 cents of the petitioner exists.

4. Now the petitioner wanted respondent Nos.2 to 4 / Police to provide protection from unofficial respondents for fencing his 47 cents land. The petitioner has earlier made an attempt to file an application before the Tahsildar for survey of the land, but, at the time of conducting of survey, the unofficial respondents have raised objections, on which, the petitioner has filed Writ Petition before this Court vide W.P.(MD).No.17523 of 2021, wherein, certain directions were given by this Court. When these directions were not complied with, the petitioner has also filed Contempt Petition in Cont.P.



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(MD).No.1392 of 2022 and in the said petition, a direction was given by this

Court to the Police to provide protection while survey was being conducted.

However, the survey has not been conducted, even as on today. Since survey has not been conducted, the petitioner also does not know even within which boundaries 47 cents his land exists. When such is the case, if the petitioner attempts to fence the land, it certainly creates issue with the unofficial respondent Nos.5 to 7 as without proper survey, fencing cannot be done.

5. In view of the above, the petitioner is required to take steps to get the land survey to fence his 47 cents, until then, he cannot request the Court for a direction to the respondent No.2 to 4 / Police to provide Police protection.

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

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NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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WEB COPY

To

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- 3.The Deputy Superintendent of Police,
Thoothukudi, Thoothukudi District.
- 4.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



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DR.D.NAGARJUN, J.

tsg

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