



W.P.(MD)No.5933 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

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P.Krishnan

... Petitioner

Vs.

- 1.The State of Tamil Nadu represented by
The Secretary to Government
Adi Dravidar and Tribal Welfare Department,
St.George Fort, Secretariat,
Chennai-600009.
- 2.The District Collector,
Office of the District Collector,
Virudhunagar District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar.
- 4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Rajapalayam Sub Division,
Virudhunagar District.
- 5.The Special Tashildar,
Adi Dravidar and Tribal Welfare Department,



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Revenue Tashildar Office,
Rajapalayam Taluk,
Virudhunagar District.

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6.The Inspector of Police,
South Police Station,
Rajapalayam Taluk,
Virudhunagar District.

7.Pitchai

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 6 to provide protection to construct compound wall around the land allotted to the petitioner and members of Scheduled Castes Community by the Adi Dravidar and Tribal Welfare Department, Sirvilliputhur, Special Tashildar, Office Na.Ka.No.303/61 dated 16.01.1962 and Na.Ka.No.A.3030/61 dated 19.01.1992, consequently, direct the first and second respondents to allot sufficient fund for the construction of the compound wall around the said land by considering the representation submitted by the petitioner dated 13.12.2017 in accordance with law within the time stipulated by Court.

For Petitioner : Mr.R.Alagumani

For R1 to R6 : Mr.R.M.Anbunithi,
Additional Public Prosecutor



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ORDER

This Writ Petition has been filed to direct the respondents 1 to 6 to provide protection to construct compound wall around the land allotted to the petitioner and members of Scheduled Castes Community by the Adi Dravidar and Tribal Welfare Department, Sirvilliputhur, Special Tashildar, Office Na.Ka.No.303/61 dated 16.01.1962 and Na.Ka.No.A. 3030/61 dated 19.01.1992, consequently, direct the first and second respondents to allot sufficient fund for the construction of the compound wall around the said land by considering the representation submitted by the petitioner dated 13.12.2017 in accordance with law within the time stipulated by Court.

2. According to the petitioner, he belongs to hindu adhi dravidar arunthathiyar community and he is the head of his community people. The land situated in Rajapalayam Taluk, Puthupalaym village, old survey No.451/1, 3, 499/2, 3 block No.15 new survey No.E, block No.15 town settlement No.11 in 0.1640.0 sq.mt, was allotted to the above said community people. The local people constructed Shri Muthumariamman



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temple and Shri Vinayakar temple in the common land and they have been using the said place as holy place. Tax was also paid by the petitioner to the Rajapalaym municipality and they have also got electricity connection. While facts are being so, on 02.12.2013, one Pitchai, who belongs to maravar community and his villagers tried to establish the statue of Muthuramalingam Thevar and to construct Mariyamman temple in the above said land. Based on the complaint given by the petitioner, peace committee meeting was conducted by the Thasildar, Rajapalayam and the petitioner and his community people advised to get permission to construct compound wall in the said property. Thereafter, on 11.01.2017 the petitioner sent representation to the second respondent to provide police protection and to construct compound wall and the second respondent also gave assurance. In the meantime, the above said Pitchai and his villagers attempted to encroach the above said land, which was allotted to the petitioner's community people. Thereafter, the petitioner submitted detailed representation on 13.12.2017. But the same was not considered by the respondents. Hence, the petitioner preferred the present writ petition.



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3.The learned counsel appearing for the petitioner would contend that the above said land was exclusively allotted to the scheduled caste people. But the private respondent herein attempted to encroach the property and thereby, the petitioner gave complaint to the authorities and peace committee meeting also conducted. Thereafter, the petitioner had given representation before the official respondents to provide police protection for constructing compound wall and the same was not considered.

4.The learned Additional Public Prosecutor appearing for the official respondents would contend that already the representation of the petitioner was considered by the concerned authorities and the same was closed. Prior to that, so many peace committee meetings were conducted and decision was taken not to put up any construction without any permission.

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



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6. On perusal of records shows that the prayer of the petitioner is that to direct the respondents to provide funds for constructing compound wall and to give police protection and to consider his representation dated 13.12.2017. As far as the allotment of funds is concerned, this Court cannot pass any orders to allot funds for the particular community people and it is for the Government to decide whether this case is fit for allotment for providing funds.

7. As far as the police protection is concerned, already peace committee was conducted between the parties and dispute between the parties is purely civil in nature and if at all the petitioner aggrieved, he can approach the civil Court for appropriate orders for establishing his title and it is settled law that this Court cannot provide police protection for the civil dispute. If the petitioner has executable decree, then this Court can pass orders for police protection. But in this case, there is no decree. Hence, the petitioner is not entitled for any orders from this Court. Further, the representation of the petitioner was considered by the authorities and the same was also closed.



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No costs.

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

1. The Secretary to Government
Adi Dravidar and Tribal Welfare Department,
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2. The District Collector,
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3. The Superintendent of Police,
Office of the Superintendent of Police,
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4. The Deputy Superintendent of Police,
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5. The Special Tashildar,
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Revenue Tashildar Office,
Rajapalayam Taluk, Virudhunagar District.
6. The Inspector of Police,
South Police Station, Rajapalayam Taluk,

7/9



Virudhunagar District.

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P. DHANABAL,J.

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