



W.P.(MD) No.20353 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.20353 of 2023

K.T.Abdul Majith

... Petitioner

/vs./

1.The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.

2.The Deputy Superintendent of Police,
Kamuthi Division, Ramanathapuram District.

3.The Inspector of Police,
District Crime Branch,
Ramanathapuram, Ramanathapuram District.

4.The Inspector of Police,
Anti-Land Grabbing Special Cell,
Ramanathapuram, Ramanathapuram District.

5.The Inspector of Police,
Peraiyur Police Station,
Kamuthi Taluk, Ramanathapuram District.

6.Isakki @ Chinnasamy

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 to 5 to take necessary action on the petitioner's complaint dated 19.07.2023.

For Petitioner : Mr.H.C.Subbiah @ Jeyavaradhan
for Mr.T.Indrachithu

For R1 to R5 : Mr.B.Thanga Aravindh
Government Advocate (criminal side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a direction to the respondent Nos.1 to 5 police to take necessary action as per the representation dated 19.07.2023.

2.It is submitted by the representing counsel for the petitioner that the petitioner is the owner of the property bearing S.Nos.34/4 and 34/5 situated at Pakkuvetti Village, Kamuthi Taluk, Ramanathapuram District and when the petitioner intended to segregate the property along with his brother, he got the land surveyed and the land was also demarcated. However, during the course of survey, it was found that the unofficial respondent No.6 has encroached the path of the property belonging to the petitioner. The petitioner has therefore filed an



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application before the respondent police dated 19.07.2023 requesting to provide protection for removing the encroachment or for evicting the unofficial respondent No.6.

3.The dispute between the petitioner and the unofficial respondent No.6 is purely civil in nature. In case if the respondent No.6 has really encroached the land belonging to the petitioner, the petitioner is expected to approach the appropriate civil Court and file a suit for recovery of possession. The police are not expected to help the petitioner or give protection for eviction of encroacher without following due process of law. Accordingly, this Petition is dismissed. However, in case if the petitioner approaches the respondent police with a complaint that the unofficial respondent No.6 is either committed an offence or about to be committed an offence, the respondent police are directed to provide suitable protection to the petitioner. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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DR.D.NAGARJUN, J.

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