



W.P.(MD)No.23621 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.23621 of 2023

P.Selvam

... Petitioner

Vs

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

2.The Tahsildar,
Natham Taluk,
Dindigul District.

3.The Inspector of Police,
Natham Police Station,
Dindigul District.

4.Alagesan

5.Deivendran

6.Shanmugam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to provide police protection to fence his land in Survey Nos.40/1A1 & 460/1B1 situated at Nadumandalam Village, Natham Taluk, Dindigul District, based on the survey certificate issued by the second respondent.



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For Petitioner : Mr.S.Muthupandi
For R1 to R3 : 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 police to the petitioner's land in S.NOs. 460/1A1 and 460/1B1 at Nadumandalam Village, Natham.

2.It is submitted by the learned counsel that the petitioner has been in possession and enjoyment of the land in S.Nos.460/1A1 and 460/1B1 at Nadumandalam Village, Natham Taluk, Dindigul District, which is the ancestral property. However, the unofficial respondent Nos.4 to 6 without any right or concern or possession are trying to interfere, thereby sought for protection.

3.The learned Government Advocate (Crl.side) submits that after the survey was conducted, the unofficial respondent Nos.4 to 6 have preferred an appeal before the Revenue Divisional Officer questioning the survey and the representation of the petitioner was also numbered as CSR.No.536 of 2023 and an enquiry was conducted. During the course of enquiry, both the parties have submitted to the police that they will decide the issue before the Revenue Divisional Officer and accordingly, the representation was closed.



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4.Since the dispute between the petitioner and the unofficial respondent Nos.4 to 6 in respect of immovable property precisely is civil in nature, the petitioner should have approached the civil Court seeking for a remedy. Even otherwise unless the survey is decided, which is under appeal before the RDO, the petitioner cannot seek for protection for fencing the land. In view of the above, there are no merits in this case and accordingly, this Petition is dismissed. No costs.

29.09.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The Superintendent of Police,
Dindigul District, Dindigul.
- 2.The Tahsildar,
Natham Taluk,
Dindigul District.
- 3.The Inspector of Police,
Natham Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN, J.

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