



WEB COPY



W.P.No.8596 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.8596 of 2023
& W.M.P.No.8767 of 2023

M.Annammal.

... Petitioner

/versus/

1. Superintendent of Police,
Police Head Quarters,
Cuddalore District.

2. Inspector of Police,
Mantharakuppam Police Station,
Manthara Taluk, Cuddalore District.

3. A.Periyanayagam.

4. Anand.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st and 2nd respondents to give protection to the petitioner for the threat given by the 3rd and 4th respondents while doing the agriculture work at measurement of 40 cents comprised in Survey No.103/B/3-0.40 Kunamkurichi village, Kammapuram Sub Division, Chidambaram District.



W.P.No.8596 of 2023

For Petitioner : Mr.M.Udaya Bhanu,
for Vincent & Vincent

For R1 & R2 : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)

For R3 & R4 : Mr.K.Magesh

ORDER

This Writ Petition is filed to issue Writ of Mandamus directing the 1st and 2nd respondents to give protection to the petitioner for the threat given by the 3rd and 4th respondents while doing the agriculture work at a measurement of 40 cents comprised in Survey No.103/B/3-0.40 Kunamkurichi village, Kammapuram Sub Division, Chidambaram District.

2. The petitioner herein who is the owner of the property measuring 40 cents comprising in Survey No.103/B/3-0.40, Kunamkurichi Village, Kammapuram Sub Division, Chidambaram District alleging that the 3rd and 4th respondent who are neighbouring land owners trying to dispossess her and trespass into her land under threat to her life, the present writ petition is filed.



W.P.No.8596 of 2023

3. On notice, the 3rd and 4th respondent has entered appearance through their Counsel and filed counter. Taking a similar counter allegation against the petitioner herein and further submitted that in the year 2017 when VAO came to measure the land, the petitioner objected and prevented him from measuring to demark the boundaries. Later, when they measured the land and fixed the boundary stone that was disturbed by the petitioner.

4. The Learned Government Advocate (Crl.Side) appearing for the respondent states that in the year 2017 there was similar dispute between the parties and when they were called for enquiry, they gave an undertaking that they will amicably settle the disputes and no action need be taken. Later, another complaint received by the respondent police in C.S.R.No.89 of 2023 dated 18.03.2023, the parties were called and on their undertaking that they will work out their remedy before the Civil Court, same was closed on 19.03.2023.

5. The dispute is between two neighbouring land owners in fixing their boundaries. It is purely civil dispute and the parties has to work out their remedy through civil proceedings or must settle their dispute amicably by jointly measuring their respective lands as per the title deeds. Instead, this Writ Petition is filed seeking protection without resorting to the measurement of the



W.P.No.8596 of 2023

respective land and fixing the boundary. Therefore, this Writ Petition is disposed of, directing the petitioner and the 3rd and 4th respondent to measure the land through Competent Revenue Authority and fix their boundary. Writ of Mandamus seeking police protection will not lie in the matter of Civil dispute.

6. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

26.04.2024

Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:

1. The Superintendent of Police,
Police Head Quarters,
Cuddalore District.

2. Inspector of Police,
Mantharakuppam Police Station,
Manthara Taluk, Cuddalore District.

3. The Public Prosecutor, High Court, Madras.



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W.P.No.8596 of 2023

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W.P.No.8596 of 2023
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