



WP.No.9099 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WP.No.9099 of 2024

C.D.Meiyappan

... Petitioner

Vs.

1. Commissioner of Police,
Tambaram, Tambaram Commissionerate
Sollinganallur, Chennai-600 119.
2. The Deputy Commissioner of Police,
Tambaram Commissionerate,
No.42, Medavakkam Road,
Bharathi Nagar, Sollinganallur, Chennai-600 119.
3. The Assistant Commissioner of Police,
Pallavaram, T-3 Pallavaram Police Station,
Chennai-600 043.
4. The Inspector of Police,
T-3 Pallavaram Police Station,
Chennai-600 043.
5. Paramasivam
6. Tamilarasan
7. Gothandapani
8. Anbu
9. Selvam
10. Chinnaraj
11. Ragupathi
12. Sanjay
13. Panjacharam
14. Sathyaraj
15. Neresh
16. Muthyagan
17. Poopathy
18. Loganathan

... Respondents



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PRAYER : Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first and second respondents to provide police protection for the schedule mentioned property to undertake maintenance and fence the property.

For Petitioner : Mr.Preethi Basker

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)
for R1 to R4

ORDER

The petitioner herein to issue writ of mandamus to the respondents 1 and 2 to provide police protection for fencing the property.

2. According to the petitioner, the land originally belong to the father of the petitioner who purchased it in the year 1959 and after the demise of his father, he is in possession of the same. A Civil Suit was filed before the District Munsif Court, Pallavaram in O.S.No.971 of 2023 and an interim injunction is in favour. Whereas the local residence are causing hindrance to measure the suit property and therefore he was constrained to file writ petition seeks mandamus to the Revenue Authorities to measure his land. Accordingly, pursuant to the order



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passed in WP.No.29196 of 2023, the Thasildhar came to the site on 12.03.2024 and measure the land. However, since it was entrusted with illegal encroachers and only 68.9 cents of lands were vacant.

3. In the meanwhile, the illegal occupants had preventing him to proceed further , he was unable to complete the mandate of measuring the lands. Now, having intend to atleast safeguard the remaining 68.9 cents of land, he wants to fence it, for that purpose, he seeks for police protection.

4. The learned Government Advocate (Crl.Side) states that pursuant to the interim injunction and direction of the High Court in Writ petition, the present prayer is sought for. However, since there is serious objection from the occupants of the land and law and order issue cropped up when the Thasildhar attempted to measure the land, unless and until the Civil dispute reaches finality and final decree is passed, the police will not be able to interfere in the civil dispute which has not reached the logical end.



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5. This Court finds force in the submissions made by the learned Government Advocate (Crl.Side) If the petitioner herein want to fence the 68.9 cents of land which is identified by the Thasildhar as vacant site while he inspected the field, the same should be taken to the notice of the Civil Court, where the matter is pending and seek for appropriate direction from the Civil Court after causing notice to the other side. Under writ jurisdiction, factual aspects regarding title disputes cannot be looked into. Hence, Writ petition is dismissed. No costs.

Vv

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To

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Dr.G.JAYACHANDRAN,J.

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