



WEB COPY



W.P.No.27250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

W.P.No.27250 of 2024

V.Maadhan

... Petitioner

Vs.

1.The Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.

2.The Tahsildar,
Tahsildar Office,
Kaarimangalam Taluk,
Dharmapuri District.

3.Chinnasamy

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direct the 1st respondent to give the adequate police protection to put up fencing the land situate Survy No.304/14 extend 0.60.5 Hectare bearing Patta No.1497 Kaarimangalam Taluk, Dharmapuri District, by considering petitioner's representation dated 26.06.2024.

For Petitioner : Mr.M.Vignesh

For R1 & R2 : Mr.S.Udayakumar
Government Advocate (Crl.Side)

For R3 : No appearance



W.P.No.27250 of 2024

ORDER

WEB COPY

This Writ Petition is filed seeking police protection for fencing the land bearing Survey No.304 extending 0.060.5 Hectare covered under Patta No.1497 Kaarimangalam Taluk, Dharmapuri District.

2. According to the petitioner, the said land was allotted to him under the Tamilnadu Land Reforms Act and being enjoying it since its allotment. He gave the property to the 3rd respondent for 5 years lease and after the expiry of the lease period, the 3rd respondent refused to vacate and handover the possession. In this connection, he has given a complaint on 25.12.2023 registered in C.S.R.No.91 of 2023, but till date the police has not taken any action for retrieving the property from the 3rd respondent.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that after registering the C.S.R., on the complaint given by the petitioner, police has called both the parties to produce the documents for claiming the right over the property. Though the 3rd respondent has stated that he has purchased the property from the petitioner and the petitioner claims that he is only leased out the property to the 3rd respondent. Neither of his contention nor the document produced by the parties. Hence



W.P.No.27250 of 2024

police is enable to proceed further.

WEB COPY

4. Taking note of the fact that there is a rival claim over the property and the documents relied by the parties not been produced to the police, in the opinion of this Court, the dispute is civil in nature and the petitioner is not able to establish the possession over the property through proper deed. Hence this Writ Petition is disposed of directing the petitioner herein to produce the documents regarding title and the possession and if the property is in unauthorized possession of the 3rd respondent police shall provide protection or else, the parties shall approach the civil Court for redressal. No costs.

17.10.2024

rpl

To

1.The Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.

2.The Tahsildar,
Tahsildar Office,
Kaarimangalam Taluk,
Dharmapuri District.

3.The Public Prosecutor,
High Court of Madras,
Chennai



WEB COPY



W.P.No.27250 of 2024

Dr.G.JAYACHANDRAN, J.

rpl

W.P.No.27250 of 2024

17.10.2024