



W.P.No.28267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.28267 of 2024

S.Ramesh

... Petitioner

versus

1.The Deputy Superintendent of Police,
Pennagaram,
Dharmapuri District.

2.The Inspector of Police,
Indur Police Station,
Dharmapuri District.

3.Dhatchanamoorthy

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to provide adequate police protection for erecting iron fencing in respect of the land comprised in Survey No.96/2, situated at Somanahalli Village, Nallampalli Taluk, Dharmapuri District, based on complaint with C.S.R.No.557 of 2024, dated 26.08.2024.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Criminal Side)
for R1 and R2
Mr.Gowtham for R3

Pg.Nos.1/6



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the second respondent to provide adequate police protection for erecting iron fencing in respect of the land comprised in Survey No.96/2, situated at Somanahalli Village, Nallampalli Taluk, Dharmapuri District, based on complaint with C.S.R.No.557 of 2024, dated 26.08.2024.

2. The learned counsel for the petitioner would submit that the petitioner's father, Sivalingam, executed a registered sale deed on 09.07.2010 (Document No.2126 of 2010) in favour of the petitioner for the property in Survey No.96/2, Somanahalli Village, Pennagaram, Nallampalli Taluk, Dharmapuri District and the petitioner has been in continuous possession of the property. He would further submit that the third respondent filed a suit in O.S.No.293 of 2010 to challenge the sale deed, but the suit was dismissed. The appeal in A.S.No.51 of 2014 was also dismissed. Therefore, the petitioner's ownership is clear and uncontested. To secure the property, the petitioner decided to erect an iron fencing and requested police protection from the first respondent on 26.08.2024. However, no action has been taken by the authorities.



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3. Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side), appearing for respondents 1 and 2, would submit that the respondent-police conducted an enquiry, during which the third respondent informed them that they intend to file a further appeal against the order passed in A.S.No.51 of 2014.

4. The learned counsel appearing for the third respondent would contend that the suit properties are ancestral properties of both the third respondent and the petitioner. A family arrangement was made between them; however, as the third respondent is illiterate, he failed to change the revenue records. Nevertheless, the petitioner and others have been enjoying the property. Therefore, the third respondent filed a suit in O.S.No.293 of 2010 before the District Munsif Court, Dharmapuri, and challenged the decision in A.S. No. 51 of 2014 before the District Sessions Court, Dharmapuri. The third respondent now intends to file a further appeal.

5. In reply, the learned counsel for the petitioner would submit that the appeal suit was dismissed on 25.11.2022, but no appeal has been filed till date. Therefore, the petitioner is pressing for police protection to erect the iron fencing.

Pg.Nos.3/6



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6. Heard the learned counsel appearing for the respective parties and perused the materials available on record.

7. After hearing the learned counsel for both parties and perusing the records, this Court finds that the dispute is of a civil nature, concerning the ownership and possession of property at Survey No.96/2, Somanahalli Village, Dharmapuri District. The petitioner claims ownership through a registered sale deed executed by his father, while the third respondent disputes the sale, claiming the property is ancestral. The third respondent's challenge to the sale deed in O.S.No.293 of 2010 and A.S.No.51 of 2014 was dismissed by the courts below, confirming the petitioner's ownership. The petitioner now seeks police protection to erect an iron fence, but this Court observes that the issue is civil in nature, and the police cannot be directed to intervene in matters concerning property disputes unless there is a threat of criminal activity or breach of peace. The proper course of action for resolving such disputes lies with the competent civil courts. Therefore, the writ petition fails and the same is dismissed.

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Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No

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- To
- 1.The Deputy Superintendent of Police,
Pennagaram,
Dharmapuri District.
 - 2.The Inspector of Police,
Indur Police Station,
Dharmapuri District.



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P.VELMURUGAN, J.

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