



WEB COPY



W.P.No.29629 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29629 of 2024

T.Guganathan

... Petitioner

versus

1.The Inspector of Police,
Singarapettai Police Station, Uthangarai TK.,
Krishnagiri District.

2.The Tahsildar,
Uthangarai Taluk Office,
Krishnagiri District.

3.Chakravarthi
4.Govarammal
5.Govindammal
6.Narayanan

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to give police protection and measure the property in relation to the petitioner's application No.2024/0105/31/537603, dated 16.07.2024, within the stipulated time as early as possible in accordance with law.

For Petitioner : Mr.G.Kadhiresan

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

No appearance for R3 to R6

Pg.Nos.1/4



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ORDER

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The case of the petitioner is that he is the rightful owner of 2 acres of land in Kedakanur, Survey No.20/1B, which was settled in his favour by his mother, Chennammal, through a settlement deed dated 17.08.2023. The petitioner has been taking care of his elderly parents, both of whom are in poor health. However, the petitioner's sisters viz., respondents 3 to 6 have repeatedly harassed the petitioner and attempted to claim a share in the property. The further case of the petitioner is that the respondents filed partition suits in O.S.No.128 of 2015 and O.S.No.6 of 2016 against the petitioner and his parents, and both the suits were dismissed by the court below on 30.11.2018. Despite this, the respondents have continued to threaten the petitioner and his family with the intention of forcibly taking the land. On 16.07.2024, the petitioner applied for a survey of the land, but the respondents, along with their associates, obstructed the survey officials, threatened them with violence, and prevented the proper measurement of the land. Hence, the petitioner has filed this writ petition seeking a writ of mandamus directing the respondents to provide police protection for the measurement of the property.



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2. A perusal of the above facts shows that there is a cloud on the title of the property, indicating a dispute regarding ownership and partition of the land. The petitioner has already faced legal challenges from the respondents in the form of partition suits in O.S.Nos.128 of 2015 and 6 of 2016, and both the suits were dismissed by the court. Despite the dismissal of these suits, the respondents continue to assert claims over the property, leading to ongoing conflicts. Considering the fact that the issue is primarily a civil matter involving disputed ownership, this Court is not inclined to intervene through a writ petition under Article 226 of the Constitution. It is therefore appropriate for the petitioner to seek redress and resolve the dispute through the appropriate civil proceedings, in the manner known to law. Hence, the writ petition fails and the same is dismissed.

06.11.2024

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

r n s

Pg.Nos.3/4



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P.VELMURUGAN, J.

r n s

To

- 1.The Inspector of Police,
Singarapettai Police Station, Uthangarai TK.,
Krishnagiri District.
- 2.The Tahsildar,
Uthangarai Taluk Office,
Krishnagiri District.

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Pg.Nos.4/4