



W.P.(MD) No.3353 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P (MD) No.3353 of 2024

S.Mano

... Petitioner

Vs.

1.State rep. by the
Superintendent of Police,
Collectorate Campus,
Ramnad (Dt)

2.State rep. by Sub Inspector of Police,
Parthibanoor Police Station.

3.Head Surveyor,
Survey Department, Paramakudi.
Ramnad(Dt)

4.S. Pandi

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India

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directing the respondents 1 and 2 to provide necessary Police protection to the petitioner's life and limb so as enabling to measuring and fix the boundary stone by the 3rd respondent in the property in Melaparthibanoor Group in Paramakudi Tk in Ramanathapuram District in Old Survey No. 207, New Survey No.582/10 an extent of 888.75 S.Feet on the basis of the representations, dated 03.01.2024 sent to the respondents 1 and 3.

For Petitioner	: Mr.C.S. Ravichandran
For R1 to R3	: Mr.B.Thanga Aravindh Government Advocate (Crl.side)
For 4 th respondent	: Mr. D. Senthil

ORDER

This Writ Petition has been filed for issuing a direction to the Respondents 1 and 2 to provide necessary Police protection to the Petitioner's life and limb so as enabling to measure and fix the boundary stone by the 3rd Respondent in the property in Melaparthibanoor Group in Paramakudi Tk in Ramanathapuram District in Old Survey No.207, New Survey No.582/10 an extent of 888.75 S.Feet on the basis of the representations, dated 03.01.2024 sent to the Respondents 1 and 3.



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2. The learned Counsel appearing for the Petitioner submitted

that when the survey is conducted in the property of the Petitioner, the fourth Respondent with an intention to get the property on a lower price had been disputing the survey. Hence, the Petitioner had given a representation, dated 03.01.2024 to the Respondents 1 and 2 seeking police protection. But the Respondents Police had not taken any action. Therefore, the Petitioner had filed this petition seeking direction to the Respondents 1 and 2 to provide police protection for the Petitioner.

3. The learned Counsel appearing for the 4th Respondent submitted that the 4th Respondent is enjoying the ancestral property, whereas the Petitioner's principal had purchased the property from the Vendor and one of his co-sharers. It is the submission of the learned Counsel for the 4th Respondent that within the family they had executed a sale deed for which the Petitioner cannot seek Police Protection to measure the property under the guise of Sale deed, in which excess extent was executed in favour of the vendor of the Petitioner which had been utilized by the Petitioner. Therefore, the 4th Respondent had objected to measure the property. The contention of the learned Counsel for the 4th Respondent that



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on the basis of the sale deed, the Petitioner seeks to measure the property.

The original partition deed is not produced before this Court. If it is produced, the matter can be decided by the Civil Court. Instead of approaching the Civil Court, the Petitioner had approached this Court under Section 482 Cr.P.C., seeking Police Protection. Without deciding the issue before the Civil Court, the Petitioner cannot approach this Court under Section 482 Cr.P.C.,

4. Further, the learned Counsel appearing for the 4th Respondent relied on the earlier order passed by this Court in W.P(MD).No. 1089 of 2022, dated 26.06.2022 wherein at Paragraph No.3 it was observed as follows:

“It is pertinent to note that the petitioner has filed this petition seeking for police protection for surveying the land. As the title has not been established, it is well open tot he petitioner to file necessary application under Survey and Boundaries Act before the civil court for demarcation of property. Since the issue is relating to survey the property, this Court is of the view that blanket order for police protection cannot be granted. The practice of granting the blanket police protection particularly, immovable property without establishing title deeds to serious consequences. In this aspect, the Hon'ble Apex Court in the case of “PR.



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Muralidharan and others Vs. Swami Dharmananda Theertha Padar”reported in **2006 4 SCC 501** as held as follows:

“19.A Writ for “Police Protection” so-called, has only a limited scope, as when the Court is approached for protection of rights declared by a decree or by an order passed by a civil Court. I cannot be extended to cases where rights have not been determined either finally by the civil Court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.”

5. Therefore, he submitted that this petition is not maintainable as the sale deed relied on by the Petitioner is sale deed within the family among the sharers that has no binding effect on the 4th respondent. The 4th Respondent is in enjoyment of his ancestral properties. Therefore, if the Petitioner is permitted there is every possibility to encroach the 4th Respondent properties. Until or otherwise the dispute between the parties are decided based on the earlier partition deeds, the Police Protection cannot be ordered.

6. The learned Government Advocate (Crl. Side) appearing for the Respondents 1 to 3 would submit that the parties have to approach the Civil Court for resolving their dispute amicably.



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7. Considering the submission of the learned Counsel for the Petitioner and the 4th Respondent and the submission of the learned Government Advocate (Crl. Side) and in the light of the earlier order passed by this Court in W.P(MD).No.10089 of 2022, dated 20.06.2022, this Court is not inclined to allow this petition.

8. Accordingly, this Writ Petition is dismissed. The petitioner is directed to approach the Civil Court for appropriate relief. No costs.

Internet :Yes./No
Index :Yes/No
NCC : Yes/No
trp

12.03.2024

To

1. Superintendent of Police,

Collectorate Campus, Ramnad (Dt)

2.The Sub Inspector of Police,

Parthibanoor Police Station.

3.Head Surveyor,

Survey Department, Paramakudi. Ramnad(Dt)

4.The Additional Public Prosecutor,

Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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