



W.P(MD)No.6119 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.6119 of 2024

M.Rengasamy,

... Petitioner

Vs

1. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District..

2. The Inspector of Police,
Parthibanur Police Station,
Paramakudi Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to take action on the ' complaint dated 06.10.2023 and conduct enquiry and act in accordance with law.



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For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

The learned Counsel appearing for the Petitioner submitted that the Petitioner had filed this petition seeking a direction against the Respondent Police to consider the representation of the Petitioner, dated 06.10.2023 to conduct enquiry and act in accordance with law.

2.It is the contention of the learned Counsel appearing for the Petitioner that the Petitioner had purchased a property to an extent of 3 acres 60 cents comprised in S.No.184/2 situated in Kulanthapuri Village, Paramakudi Taluk, Ramanathapuram District, which originally belonged to the legal heirs of one Ramasamy Chittiyar. The Petitioner purchased the property from the legal heirs of Ramasamy Chettiyar through a valid sale deed registered as document No.9259/1992, dated 20.08.1992. From the date of purchase, the Petitioner is in absolute possession and enjoyment of the property without any hindrance. It is the further



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contention of the learned Counsel appearing for the Petitioner that Prosopis Juliflora trees were grown in the land. On 23.07.2023 the Petitioner went to cut down the trees. At that time, one Tamilarasi, Alagarsamy, Chandhiran, Krishnamoorthy, Boominathan, Malaisamy, Kunju Konar @ Arumugam, Malaisamy and Senthamarai came into the Petitioner's land and threatened him with dire consequences and directed the Petitioner not to cut the trees. Therefore, the Petitioner was forced to give a complaint to the second Respondent on 23.07.2023 and the second Respondent had registered a CSR.No.321 of 2023, dated 23.07.2023.

3.The learned Government Advocate (Crl.Side) on instructions of the Respondents 1 and 2 submit that based on the CSR registered by the second Respondent, he had conducted enquiry and based on the enquiry the parties were advised to approach the civil Court and seek remedy and the Respondent Police had closed the CSR No.321 of 2023. He further submit that earlier i.e., on 11.02.2023 a complaint was given by the Petitioner, for which, CSR.No.79 of 2023 was issued as early as on 11.02.2023 and the Petitioner was directed to obtain appropriate orders from the civil Court.



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4.Considering the submission of the learned Counsel for the Petitioner and the learned Government Advocate (Crl.side), it is found that the subject matter of the writ petition deals with the rights of the parties, which has to be decided by the civil Court, whether the Petitioner herein, had purchased the properties from of the legal heirs of Ramasamy Chittiyar or leaving some legal heirs, whether he had purchased the property with undivided share of the vendor of the Petitioner or purchased the property with specific boundaries and extent. These are all to be considered by the civil Court. Until then, the Court exercising Writ Jurisdiction under Article 226 of the Constitution of India, cannot order police protection.

5.The Director General of Police, Tamil Nadu/Head of State Police Force, Chennai-4, had warned the field officers across the State, not to interfere with dispute involving properties and money matters. Under those circumstances against the order of the Head of the State Police force, warning the field officers not to interfere in civil disputes, which are the subject matter to be dealt with by the civil Court. The Court exercising Writ Jurisdiction under Article 226 of the Constitution of India, cannot go into the claim of the Petitioner.



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6. Just because the Petitioner purchased the property does not mean he owns or he is in possession of the property. The recital of the sale deed is to be considered. Even the sale deed recital is in his favour, there may be dispute regarding the contents of the sale deed. Therefore by exercising Article 226 of the Constitution of India, this Court cannot pass blank order in favour of the Petitioner based on the contents of the affidavit. He had not enclosed the copy of the sale deed.

7. To the query of the Court, whether the Petitioner had enclosed the copy of the sale deed, the learned Counsel for the Petitioner says that the sale deed was hand written. Therefore, the Petitioner was unable to enclose it along with the type set. It is not an acceptable reason. If the sale deed is of the year 1992, the Petitioner had ample time to type and furnish a clean copy duly attested by him.

8. As pointed out by the learned Government Advocate (Crl.Side), the Petitioner in the month of February 2023 was directed by the second Respondent to approach the civil Court. Still he had not approached the civil Court and seeks a direction for police protection to be issued by this



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Court under Article 226 of the Constitution of India. That shows the ulterior motive of the Petitioner in not approaching the civil Court, which creates doubt in the mind of the Court. Seeking direction of this Court under Article 226 of the Constitution of India, which amounts forcing the field officers against the Director General of Police, Tamil Nadu/Head of State Police Force, Chennai-4, who had issued a circular protecting the field officers of the entire State from unwanted controversy of interfering in civil dispute. The Police Officers are appointed to maintain law and order, to maintain traffic, to prevent crimes and to detect crimes. Instead they are forced to involve in a civil dispute which attracts the judgment of His Lordship Justice Karpagavinayagam was presiding over the Bench in the case of *Rajendran and Others Vs. The State Rep. By the Sub-Inspector of Police, All Women Police Station, Musiri Taluk, Trichy District* reported in *MANU/TN/0353/2004* and also the judgment of the then Hon'ble Chief Justice His Lordship Justice Markandey Katju in the case of *K.Gopal Vs. The State of Tamil Nadu represented by Chief Secretary and Others* reported in *2005 SCC Online Mad 466*.



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9.In the light of the rulings and in the light of the circumstances, this Court is of the view that this writ petition has no merits and the same is dismissed. No costs. The Petitioner is directed to approach civil Court for appropriate relief.

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Index :Yes/No
Internet: Yes/No
LR



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Ramanathapuram District..

2. The Inspector of Police,
Parthibanur Police Station,
Paramakudi Taluk,
Ramanathapuram District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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