



**W.P(MD)No.6244 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 15.03.2024**

**CORAM :**

**THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

**W.P(MD)No.6244 of 2024**

**S.Alagarsamy,**

**... Petitioner**

**Vs**

**1. The Superintendent of Police,  
Dindigul District,  
Dindigul.**

**2. The Inspector of Police,  
Ambathurai Police Station,  
Ambathurai,  
Dindigul District.**

**... Respondents**

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus direction directing the Respondents No.1 and 2 to consider the petitioner's representation dated 09.01.2024 and provide adequate police protection to make fence in and around the land in Survey No.6/3B situated at A.Vellodu Village, Dindigul East Taluk, Dindigul District in an extent of 1.06 Acres as per the various order of this Court and the proceedings of the Revenue Authorities.



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For Petitioner : Mr.V.R.Venkatesan  
For Respondents : Mr.B.Thanga Aravindh  
Government Advocate (Crl.Side)

### **ORDER**

The learned Counsel appearing for the Petitioner submit that the Petitioner had filed this petition seeking police protection to fence the property.

2.It is the contention of the learned Counsel for the Petitioner that the vendor of the Petitioner had approached this Court by filing a writ petition in W.P.No.17457 of 2004, in which, this Court had ordered to survey the property. Subsequently, patta had been granted to the Petitioner. Also, the vendor of the Petitioner had moved a Writ Petition in W.P(MD)Nos.1121 and 1411 of 2008 against the Special Commissioner, Commissioner of Land Administration, Chepauk and other revenue authorities and also the encroachers of the land about forty people, who were impleaded as party in that writ petitions. This Court disposed and closed the petitions filed in W.P(MD)Nos.1121 and 1411 of 2008, dated 22.02.2010, against all the private respondents except the thirty fifth Respondent. Also in the same order, the District Collector,



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Dindigul, was directed to arrange for local inspection through revenue authorities to survey the land by metes and bounds after due notice to the Petitioner and others, who are in enjoyment of the property as per the earlier order of the Court, dated 11.12.2007 and do the needful as directed by the Land Commissioner.

3.The learned Counsel for the Petitioner submit that after these proceedings only, the vendor of the Petitioner had executed the sale deed in his favour. Therefore, he had approached this Court seeking direction against the Respondents seeking police protection to fence the properties.

4.The learned Government Advocate (Crl.Side) on instructions of the Respondents submit that prior to the sale deed in the name of Petitioner, there had been people in possession in the area. Therefore, without approaching the civil Court, the Petitioner cannot file this writ petition seeking direction for police protection.

5.On perusal of the records furnished by the learned Counsel for the Petitioner, it is found that the vendors of the Petitioner themselves had approached the Court concerned and obtained appropriate orders.



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The typed set of the Petitioner contains the undertaking that patta had been granted to the vendors of the Petitioner. While so, the Petitioner had purchased the property in the year 2022. To establish his right regarding the boundaries, he has to approach the civil Court. Only on the basis of a civil Court decree, the Police Officials may be directed to extend police protection to protect his right regarding the right to property. By exercising discretion under Article 226 of the Constitution of India, this Court cannot issue direction to the Respondents 1 and 2 to interfere in property dispute. Therefore, the Petitioner is directed to approach the competent civil Court for protecting his right in the light of the sale deed in his favour.

6. With the above direction, this writ petition is disposed of. No costs.

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Index : Yes/No  
Internet: Yes/No  
LR



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To

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

2. The Inspector of Police,  
Ambathurai Police Station,  
Ambathurai,  
Dindigul District.

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



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**SATHI KUMAR SUKUMARA KURUP, J.**

LR

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