



W.P.(MD)No.7069 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7069 of 2022

D.Rajakumari

... Petitioner

Vs.

1.The Assistant Director,
Office of the Survey Land Records,
Pudukottai,
Pudukottai District.

2.The Tahsildar,
Alangudi Taluk,
Pudukottai District.

3.The Tahsildar,
Karambakudi Taluk,
Pudukottai District.

4.The Superintendent of Police,
Pudukottai District,
Pudukottai.

5.The Inspector of Police,
Vadakadu Police Station,
Pudukottai District.

6.Kalaiarasan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the fifth respondent to provide adequate police protection to the second and third respondents and also the petitioner to complete the stone planting and fencing process in her agricultural lands measuring about 48 acres, comprised in survey Nos.39/1A2, 198/1B1 and 198/1B2, situated at Pullanviduthi and Vanakkankadu Villages which lies in Alangudi and Karambakudi Taluk, Pudukottai District respectively by considering her representation dated 05.04.2022 and 06.04.2022.

For petitioner : Mr.B.Ramnath
For R1 to R5 : Mr.B.Nambiselvan,
Additional Public Prosecutor.
For R6 : Mr.E.Balasubramanian

ORDER

This writ petition has been filed direct the fifth respondent to provide adequate police protection to the second and third respondents and also the petitioner to complete the stone planting and fencing process



in her agricultural lands measuring about 48 acres, comprised in surveye Nos.39/1A2, 198/1B1 and 198/1B2, situated at Pullanviduthi and Vanakkankadu Villages which lies in Alangudi and Karambakudi Taluk, Pudukottai District respectively by considering her representation dated 05.04.2022 and 06.04.2022.

2.The case of the petitioner is that she is the absolute owner of the property, measuring about 48 acres, comprised in surveye Nos.39/1A2, 198/1B1 and 198/1B2, situated at Pullanviduthi and Vanakkankadu Villages which lies in Alangudi and Karambakudi Taluk, Pudukottai District and she purchased the said property through valid registered sale deed in Doc.Nos.762/2007, 3017/2008, 3018/2008 dated 02.04.2007, 17.12.2008 respectively. Since some outsiders and miscreants were illegally trespassing into her properties and thefts are very usual in the locality, the petitioner filed a representation to the first to third respondents to measure, survey and demarcate of boundaries of the property. While being so, taking advantage of petitioner's old age and distance, the sixth respondent attempted to encroach the petitioner's property illegally. Hence, the petitioner lodged a complaint before the fifth respondent, based on which a case was also registered. However, the sixth respondent and one Thirunavukkarasu once again attempted to



trespass into the petitioner's property and hence, the petitioner preferred a complaint before the fourth respondent. However, the same was not considered and hence, the petitioner filed the present petition.

3.The learned counsel appearing for the petitioner would submit that this Court may direct the fifth respondent to consider the petitioner's representation.

4.The learned counsel appearing for the sixth respondent would submit that in respect of very same issue, the sixth respondent already filed suit in O.S.No.29 of 2022 before the learned District Munsif cum Judicial Magistrate, Alangudi and hence, the present writ petition is not maintainable. Accordingly, he prayed to dismiss this writ petition.

5.Heard the learned counsel on either side and perused the materials available in the record.

6.On perusal of record shows that there is a civil dispute pending between the parties and a suit is also preferred by the sixth respondent in O.S.No.29 of 2022 before the learned District Munsif cum Judicial Magistrate, Alangudi. Therefore, if any direction is given in this writ



W.P.(MD)No.7069 of 2022

petition, it will affect the suit. Hence, this Court is not inclined to give any direction. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to workout her remedy in the manner known to law. No costs.

30.01.2024

Index : Yes/No
Internet : Yes/No
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M.DHANDAPANI. J.

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