



W.P.(MD)No.22802 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.22802 of 2022

K.Ponnambalam

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Manapparai,
Trichy District.

3.The Inspector of Police,
Manapparai Police Station,
Trichy District.

4.Tamilnidhi

5.Gopinath

6.Kanimozhi

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 to 3 to provide adequate police protection for the life and limb of the petitioner including his property comprised in S.Nos.356/1, 356/3, 356/4 and 356/5 measuring about 9 acres 30 cents situated at Nallampillai Village, Poosaripatti Post, Manapparai Taluk, Trichy District for the purpose of laying the barbed wire fencing surrounding



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the said land property based on the representation dated 03.09.2022 submitted in person with the respondents 1 to 3 within a time frame fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

For R1 to R3 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents 1 to 3 to provide adequate police protection for the life and limb of the petitioner including his property comprised in S.Nos.356/1, 356/3, 356/4 and 356/5 measuring about 9 acres 30 cents situated at Nallampillai Village, Poosaripatti Post, Manapparai Taluk, Trichy District for the purpose of laying the barbed wire fencing surrounding the said land property based on the petitioner's representation dated 03.09.2022.

2.The case of the prosecution is that the petitioner is the owner of the properties in S.Nos.356/1, 356/3, 356/4 and 356/5 to an extent of 9 acres 30 cents situated at Nallampillai Village, Poosaripatti Post, Manapparai Taluk, Trichy District, However, the adjacent land owners, who are the private respondents herein, objected the boundaries enjoyed by the petitioner. For which, the petitioner sent a representation to the Thasildar, Manapparai to



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measure the properties. The Firka Surveyor measured the properties and also issued a survey report on 29.08.2022. Based on that, the petitioner has tried to fence the property and the same was objected by the private respondents and they threatened the petitioner with dire consequences. Thereby, the petitioner made a representation to the second respondent on 03.09.2022 and the same was not considered. Hence, the petitioner filed this petition with the above said prayer.

3. The learned counsel for the petitioner would submit that the this Court may issue a direction to the second respondent to consider the petitioner's representation dated 03.09.2022 and pass appropriate orders.

4. The learned Additional Public Prosecutor appearing the State would submit that the private respondents claimed that they are the owners of the properties in S.Nos.356/1, 356/3, 356/4 and 356/5. However, the petitioner obtained a report from the Firka surveyor only in respect of S.No.356/1 and the land situated in other survey numbers were not measured. However, the dispute in between the petitioner and the private respondents is civil dispute and it has to be ventilated only before the competent civil Court in stead of making complaint before the second respondent. Hence, the representation to the second



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respondent by the petitioner is not sustainable one. However, if any complaint is filed before the third respondent, the third respondent will take appropriate action against the persons, who committed the offence.

5.Considering the facts and circumstances of the case, though the petitioner claimed to fence the properties in S.Nos.356/1, 356/3, 356/4 and 356/5, he obtained report from the Firka Surveyor only in respect of S.No.356/1. In which, no police protection can be granted. The dispute in between the petitioner and the private respondents is civil dispute. It has to be ventilated only before the civil Court. If the petitioner is obtained decree from the competent civil Court, thereafter, liberty is granted to the petitioner to work out his remedy in the manner known to law.

6.In view of the same, the Writ Petition is dismissed. No costs.

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Index : Yes/No
Internet : Yes/No
NCC : Yes/No
dss



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To

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Trichy District,
Trichy.
- 2.The Deputy Superintendent of Police,
Manapparai,
Trichy District.
- 3.The Inspector of Police,
Manapparai Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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