



WP(MD)No27 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.01.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.27 of 2024

S.Kandasamy

... Petitioner

/vs./

1.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Thirumangalam,
Madurai District.

2.The Inspector of Police,
Perungudi Police Station,
Perungudi,
Madurai District.

3.B.Arumugam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to grant police protection to the petitioner and his family for entering his lands in survey No. 35/26, 35/3B2, 35/5 in Patta No.763, Othai Alangulam Village, Thirupparankundram Taluk, Madurai District and to survey and measure with the



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WEB COPY help of the Taluk Surveyor to fix the boundaries.

For Petitioner : Mr.S.Suresh Kumar
For R1 & R2 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Writ Petition is filed to direct the Respondents 1 and 2 to grant police protection to the Petitioner and his family for entering his land in S.Nos.35/26, 35/3B2, 35/5 in Patta No.763, at Othai Alangulam Village, Thirupparankundram Taluk, Madurai District and to survey and measure the property with the help of the Taluk Surveyor to fix the boundaries.

2.The learned counsel for the Petitioner seeks police protection to measure the property. As per his submission, the Petitioner had filed a petition before the Authorities concerned and when they came to measure the property, the third Respondent objected for the same. Therefore, he seeks police protection.

3.The learned Additional Public Prosecutor submitted that the subject matter of the Writ Petition relates to Tamil Nadu Survey and Boundaries Act, 1923.



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4.Since the subject matter involves dispute regarding boundaries, the submission of the learned counsel for the Petitioner that only a Writ Petition is maintainable cannot be accepted. Since the third Respondent had disputed the title to the Petitioner, the Petitioner has to get the relief from the competent civil Court. The Writ Court cannot pass orders regarding title to the property. By way of filing this Writ Petition, the Petitioner had approached this Court by converting the civil dispute as criminal case. Therefore, **the Writ Petition is disposed of** with a direction to the Writ Petitioner to approach the competent civil Court to workout his remedy. No costs.

03.01.2024

Index : Yes / No

Internet : Yes / No

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TO:

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Office of Deputy Superintendent of Police,
Thirumangalam,
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2.The Inspector of Police,
Perungudi Police Station,
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SATHI KUMAR SUKUMARA KURUP, J.

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