



WP.Crl.No.26331 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 01.09.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.Crl.No.26331 of 2024

Venkidusamy

.. Petitioner

Versus

1. The Superintendent of Police,
Office of the District Superintendent,
Palladam Salai, Tiruppur District.

2. The Assistant Director,
Survey and Land Records,
Tiruppur District Collector Office,
Tiruppur - 641 604.

3. The Tahsildhar,
Office of the Tahsildhar,
Dharapuram Taluk, Tiruppur District.

4. The Inspector of Police,
Dharapuram Police Station, Tiruppur District.

5. Thirunavukkarasu

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to provide police protection to the 3rd respondent during survey of the petitioner's property situated in Survey No. 428, (Old Survey No.626 & 627] Manakkadavu Village, Dharapuram Taluk, Tiruppur District based on Petitioner's representation dated 16.08.2024.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.K.M.D.Muhilan for R1 to R4



WEB COPY



WP.Crl.No.26331 of 2024

Additional Public Prosecutor

Mr.R.Asokan for R5

ORDER

This writ petition has been filed directing the 1st respondent to provide police protection to the 3rd respondent during survey of the petitioner's property situated in Survey No. 428, (Old Survey No.626 & 627] Manakkadavu Village, Dharapuram Taluk, Tiruppur District based on Petitioner's representation dated 16.08.2024.

2. It is the case of the petitioner that the petitioner is the absolute owner of the subject properties. The 5th respondent and his allies disturbed his possession and tried to encroach the land, hence, suit was filed in O.S.No.295 of 2009 on the file of the learned District Munsif, Dharapuram for relief of declaration and permanent injunction. The said suit was decreed for declaration and dismissed for mandatory injunction vide decree and judgment dated 10.03.2014. Now, it is the grievance of the petitioner that the 5th respondent is not letting the 3rd respondent to measure the property. Hence, seeks for police protection.

3. Heard both sides and perused the materials placed on record.

4. On a careful perusal of the decree and judgment dated 10.03.2014



WP.Crl.No.26331 of 2024

WEB COPY

would make it clear that the petitioner has filed a suit in O.S.No.295 of 2009, wherein, the fifth respondent herein is also made as a party to the above suit as fourth defendant. The said suit is filed for declaration and mandatory injunction and the same was partly decreed granting the relief of declaration and dismissed the suit in respect of relief of mandatory injunction on the ground that from the evidences of PW1 and DW1, it is clear there is absolutely no necessity to measure the suit property for the purpose of fixing boundaries, when the parties themselves admit there is no dispute over the enjoyment of land, thus, held that measurement of lands and fixation of boundaries are thoroughly unwarranted.

5. Now, the petitioner has come up before this Court by way of a petition under Article 226 of the Constitution of India seeking to survey the property with the aid of police protection which in view of this Court is not maintainable and cannot be granted. It is needless to state that if at all the petitioner has any dispute with regard to measurement and survey of the land, the proper course is to approach Civil Court, without resorting the same, as a blanket order police protection cannot be granted. In this regard, the Hon'ble Apex Court in the judgment of ***P.R.Muralidharan and others Vs. Swami Dharmananda Theertha Padar and others*** reported in ***(2006) 4 SCC 501*** has held that what are all the matters for which police protection can be granted.



WP.Crl.No.26331 of 2024

For better appreciation, the relevant portion of the judgment is extracted below:

WEB COPY

“...19. A writ for “police protection” so-called, has only a limited scope, as, when the court is approached for protection of rights declared by a decree or by an order passed by a civil court. It cannot be extended to cases where rights have not been determined either finally by the civil court or, at least at an interlocutory stage in an unambiguous manner, and then too in furtherance of the decree or order.”

6. Accordingly, I do not find any merits in this petition and this petition stands dismissed. No costs.

01.09.2025

dhk

Index : Yes/No
Internet : Yes/No

To

1. The Superintendent of Police,
Office of the District Superintendent,
Palladam Salai, Tiruppur District.

4/6



WP.Crl.No.26331 of 2024

WEB COPY

2. The Assistant Director,
Survey and Land Records,
Tiruppur District Collector Office,
Tiruppur - 641 604.

3. The Tahsildhar,
Office of the Tahsildhar,
Dharapuram Taluk, Tiruppur District.

4. The Inspector of Police,
Dharapuram Police Station, Tiruppur District.

N.SATHISH KUMAR, J.

dhk



WEB COPY



WP.Crl.No.26331 of 2024

W.P.Crl.No.26331 of 2024

01.09.2025