



W.P.No.26209 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26209 of 2024
and W.M.P.No.28637 of 2024

1. C.Malaimuthu
- 2.M.Xavier Victor Raj
- 3.M.Johnson

... Petitioners

vs.

1. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai 606 604.
2. The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai 606 601,
Thiruvannamalai District,
3. The Inspector of Police,
Veraiyur Police Station,
Veraiyur, Thiruvannamalai Taluk,
Thiruvannamalai District.
4. The Taluk Surveyor,
O/o.Taluk Office,
Thiruvannamalai,
Thiruvannamalai District.
- 5.Amalarasan

6. Periyannayagam

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of mandamus direct the 1st and 3rd respondents police to give adequate police protection to the Tahsildar, Thiruvannamalai Taluk, Thiruvannamalai District to measure the petitioners' land situated in Old S.No.21/16, New S.No.21/21, Old S.No.21/3, New S.No.21/3A, Old S.No.21/2, New S.No.21/3B, Allikndapattu Village & Post, Thiruvannamalai Taluk, Thiruvannamalai District 606

For Petitioner : Mr.S.Stalin Raja

For R1 to R3 : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed to direct the 1st and 3rd respondents police to give adequate police protection to the Tahsildar, Thiruvannamalai Taluk, Thiruvannamalai District to measure the petitioners' land situated in Old S.No.21/16, New S.No.21/21, Old S.No.21/3, New S.No.21/3A, Old S.No.21/2, New S.No.21/3B, Allikndapattu Village & Post, Thiruvannamalai Taluk, Thiruvannamalai District 606

2. According to the petitioner, the petitioner and his sons owned patta land situated in Old S.No.21/16, New S.No.21/21, Old S.No.21/3, new



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S.No.21/3A, old S.No.21/3, New S.No.21/3B at Allikondapattu Village &

Post, Thiruvannamalai Taluk and District. As per the sale deed, there is 12 feet breadth path way for the petitioner and the other land owners. On both sides of the said pathways, the private land owners purchased the land from Antony Raj, when he sold the said land to various persons, in that document it is clearly mentioned the said pathway. Since the 4th respondent prevented the petitioner to utilize the said pathway, the petitioner sent a representation dated 10.05.2024 to the second respondent to measure their respective lands for both parties.

3. It is the further case of the petitioner that respondents 4 and 5 along with his henchmen, prevented the officials to measure the said land and therefore, the official respondent without measuring the said land and pathway. Hence, the petitioner sent a representation dated 06.06.2024 to the police officials to give adequate police protection to the revenue officials for taking measurements, but the same was not considered on the said representation till date. Aggrieved by the same, the petitioner has filed the present writ petition.



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4. The learned counsel appearing for the petitioner submitted that the petitioner filed the application before the Revenue Authorities along with requisition stating that the respondent officials to measure the petitioner's land and to find out path way.

5. The learned counsel appearing for the respondents 5 and 6 submitted that the petitioner has already filed the application before the 2nd respondent for cancellation of patta which was issued in favour of the respondents 5 and 6 herein. After detailed enquiry, the second respondent vide proceedings No.Se.Ku.No.G1/3873/2023 dated 03.08.2023 stating that the length and width of the common pathway only to be mentioned in the sale deed for both parties and the same should be handed over to the Panchayat separately, then the revenue authorities can be taken action only if all the documents are rectified. Hence, the application filed by the petitioner was rejected by the third respondent.

6. Heard the learned counsel for both sides and also perused the materials available on record.



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7. On perusal of the records would show that there is a civil dispute between the petitioner and the respondents 4 and 5 herein in respect of both the common way as mentioned in the sale deed of the petitioner in respect of the land comprised in Old S.No.21/16, new S.No.21/21 , Old S.No.21/3, new S.No.21/3A, old S.No.21/3, New S.No.21/3B, Allikondapattu Village & Post, Thiruvannamalai Taluk and District. Therefore, this writ petition cannot be considered to provide police protection for measuring the property of the petitioner.

8. In view of the above, this writ petition is dismissed. However, liberty is given to the petitioner to approach the civil forum for appropriate relief. No costs. Consequently, connected miscellaneous petition is closed.

24.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

kkd

To

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Thiruvannamalai 606 604.
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