



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP NO. 30224 of 2024

and

WMP NO. 32909 of 2024

R.Manickam

Petitioner(s)

Vs

1. The Superintendent of Police,
District Police Office,
Salem- 636 002,
Salem District.
2. The Deputy Superintendent of Police,
Sankari Sub Division,
Sankari- 637 301,
Salem District.
3. The Inspector of Police,
Konganapuram Police Station,
Salem District.
4. Sengodan
5. Loganathan
6. Nithya
7. Saravanan

Respondent(s)

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, forbearing the respondents 1 to 3 from in any way helping the private respondents 4 to 7 for laying the road over the petitioner's patta lands in S.F. Nos.268/2, 268/4 and 268/5, Erumaipatti Village, Edappadi Taluk, Salem District, by taking the law in their own hands and in violation of his right to property, and pass.



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For Petitioner : Mr.N.Manoharan

For R1 to R3 : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

For R4 to R7 : Mr.M.Elumalai

ORDER

This writ petition has been filed for direction, forbearing the respondents 1 to 3 from in any way helping the private respondents 4 to 7 for laying the road over the petitioner's patta lands in S.F. Nos.268/2, 268/4 and 268/5, Erumaipatti Village, Edappadi Taluk, Salem District, by taking the law in their own hands and in violation of his right to property, and pass.

2. The learned counsel for the petitioner submitted that the petitioner had purchased the aforesaid properties, in which, the private respondents 4 to 7 are attempting to lay pucca Tar road or cement road in and over the existing common cart track by annexing the aforesaid properties. Therefore, the petitioner had given a petition dated 28.08.2024 before the respondents 1 and 2 requesting them not to extend their helping hands to the respondents 4 to 7 to cause damage to the aforesaid properties.

3. The learned counsel for the respondents 4 to 7 submitted that there is a cart track as per the Revenue records. It is also submitted that the respondents 4 to 7 are proposed to lay cart track in the Government Poramboke land. However, the petitioner is claiming the said property as if it is patta land.



Pursuant to the dispute arose between them, the 3rd respondent registered a complaint in Crime No.184 of 2024 for the offence under Sections 241, 294(b)

and 506(1) of IPC based on the complaint lodged by the respondents 4 to 7 and it is pending for investigation.

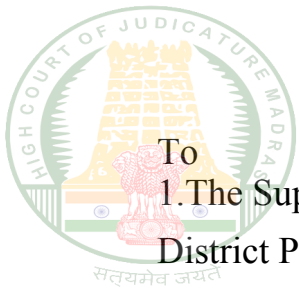
4. Heard both sides and perused the materials available on record.

5. Considering the submissions made by the learned counsel on either side, this Court is of the view that the respondents 1 to 3 have no role to play in the civil dispute between the petitioner and the respondents 4 to 7 herein. Hence, the prayer sought for in this writ petition cannot be granted and the remedy lies elsewhere.

6. In view of the above, the writ petition is disposed of. Liberty is granted to the petitioner to approach the appropriate Civil Court to work his remedy in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

27-02-2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
jd



To

1. The Superintendent of Police,

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Salem- 636 002,

Salem District.

2. The Deputy Superintendent of Police,

Sankari Sub Division,

Sankari- 637 301,

Salem District.

3. The Inspector of Police,

Konganapuram Police Station,

Salem District.

4. The Public Prosecutor,

Madras High Court,

Chennai.



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G.K. ILANTHIRAIYAN,J.,

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