



W.P(MD)No.1185 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.1185 of 2025

Lakshmana Sundaram

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Iluppur,
Pudukottai District.

3.The Tahsildar,
Iluppur Taluk Office,
Iluppur,
Pudukottai District.

4.The Inspector of Police,
J1, Iluppur Police Station,
Iluppur,
Pudukottai District.

5.Pandiyarajan

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 4 to provide sufficient police protection from the fifth respondent to fencing the land based on the representation, dated 06.12.2024.

For Petitioner : Mr.D.Ashokkumar

For R-1 & R-4 : Mr.M.Sakthi Kumar
Government Advocate

For R-2 & R-3 : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

The present petition has been filed for issuance of Writ of Mandamus directing the respondents 1 and 4 to provide sufficient police protection from the fifth respondent to fence the land based on the representation, dated 06.12.2024.

2. According to the petitioner, he is the owner of the property in S.Nos. 22/1C1 and 71/2C3B to the extent of 30 cents. While so, he decided to fence the land but the fifth respondent, in order to grab the property illegally entered into the property of the petitioner. Therefore, he filed the writ petition in W.P(MD)No.24660 of 2023 and as per the interim order passed by this Court,



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the respondent has to participate in the Peace Committee Meeting but he has not participated and thereafter, the writ petition was dismissed for default. When the petitioner went to see his land during the month of November, 2024, the fifth respondent threatened him with dire consequences. Thereby, he lodged a complaint before the police station on 06.12.2024 but no action was taken. Hence, the present petition.

3. The learned Government Advocate appearing for the official respondents would submit that there is a civil dispute pending between the petitioner and the fifth respondent and already he filed a writ petition in W.P(MD)No.24660 of 2024 and the same was dismissed for default and thereafter, he sought for police protection to fence the land. Since there is a civil dispute pending between the parties, they cannot give police protection for the property disputes. Therefore, prayed to dismiss the petition.

4. Considering the limited scope of the prayer, this Court is inclined to pass order even without issuing notice to the private respondent.



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5. In this case it is an admitted fact that there is a dispute between the parties in respect of the property and thereby, the petitioner also earlier filed a writ petition in W.P(MD)No.24660 of 2023 for surveying the land and the same was dismissed for default and now, the petitioner filed this petition to give police protection. It is well settled law that without any executable decree in favour of the petitioner, who seeks police protection for the disputed properties, police protection cannot be granted. In the case on hand also, there is a dispute in respect of the property. However, since the representation of the petitioner is pending before the fourth respondent police, this Court direct the fourth respondent to dispose the representation of the petitioner, dated 06.12.2024 on merits and in accordance with law within one (1) week from the date of this order.

6. With the above said observations and direction, this writ petition stands disposed of. There shall be no order as to costs.

07.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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P.DHANABAL, J.

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