

W.P.(MD) No.3785 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD) No.3785 of 2025

Arivazhagan

... Petitioner

vs.

1.The District Collector,
District Collectorate Premises,
Virudhunagar District.

2. The Tahsildar,
Watrap Taluk,
Watrap,
Virudhunagar District.

3. The Executive Officer,
Udhayagirinadhar Temple,
Mavoothu,
Watrap Taluk,
Virudhunagar District.

4. The Inspector of Police,
Watrap Police Station,
Watrap,
Virudhunagar District.

5. Roobabhai

6. Annadurai

... Respondents



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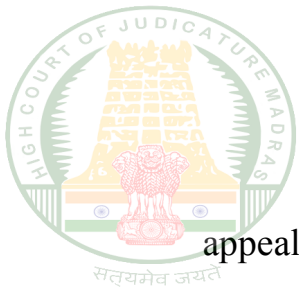
PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fourth respondent to give adequate police protection to his life and limb in enjoying the property in S.No.967/7 situated at Kottaiyur Village, Watrap Taluk, Virudhunagar District from the unlawful and high handed activities of the 5th and 6th respondents by considering his representation dated 03.02.2025.

For petitioner : Mr.A.Balaji
For Respondent Nos.1 & 2 : Mr.M.Senthil Ayyanar
Government Advocate
For Respondent No.4 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For Respondent No.5 : Mr.K.Sudalaiyandi

ORDER

This writ petition has been filed seeking direction, to direct the fourth respondent to give adequate police protection to his life and limb in enjoying the property in S.No.967/7 situated at Kottaiyur Village, Watrap Taluk, Virudhunagar District from the unlawful and high handed activities of the 5th and 6th respondents by considering his representation dated 03.02.2025.

2. The learned Counsel appearing for the petitioner would submit that the he is doing work of climbing palm tree and collects neera, ice



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appeal, palm fronds in the property in S.No.967/7 situated at Kottaiyur

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Village, Watrap Taluk, Virudhunagar District for more than three generations. The above said property belongs to the government which is also reflected in the revenue records. While so, the sixth respondent belongs to the village of Tambipattti had interfered with the peaceful enjoyment of the property and also he claimed that he is the successful bidder in the auction taken for the above said properties from the fifth respondent. Therefore, the petitioner filed a suit in O.S.No.223 of 2017 on the file of the learned Principal District Munsif cum Judicial Magistrate No.1, Srivilliputhur and temporary injunction also granted as against the fifth respondent. While so, the sixth respondent cut down the trees of the petitioner. By narrating the entire facts, the petitioner sent a representation to the fourth respondent seeking police protection. But the 4th respondent did not take any action. Hence, the present writ petition has been filed.

3. The learned Government Advocate appearing for the Respondent Nos.1 & 2 would submit that the property belongs to HR&CE Department and Revenue Department. While so, the petitioner filed a suit without impleading the government as party. Since the suit is pending



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before the trial Court. the petitioner cannot seek any police protection.

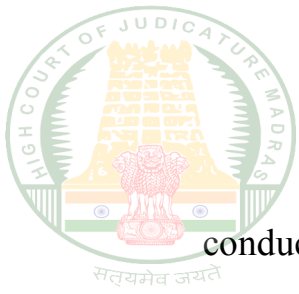
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4. The learned Additional Public Prosecutor appearing for the 4th respondent would submit that based upon the complaint given by the petitioner the same was already considered and closed by advising him to approach competent civil Court.

5. The learned Counsel appearing for the fifth respondent would submit that already a suit was filed in O.S.No.223 of 2017 without including the temple as one of the party and he had obtained injunction order as against the sixth respondent. Therefore, the petitioner is not entitled to get any relief.

6. Heard both sides and perused the material available on record.

7. According to the petitioner, he made a representation on 03.02.2025 before the fourth respondent seeking police protection and no action was taken. Therefore, he filed the present writ petition. But the fourth respondent already considered the representation of the petitioner and the same was closed. Thereafter, a peace committee meeting was



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conducted and both the parties had agreed not to alienate or encroach the property and they were advised to approach competent civil court for getting appropriate remedy. Since, already, the petitioner filed a suit in O.S.No.223 of 2017 on the file of Principal District Munsif cum Judicial Magistrate No.I, Srivilliputhur in respect of the same property, and the civil suit is pending, the petitioner is directed to approach appropriate authorities for getting appropriate remedy after the final decision of said civil suit.

8. With the above said observations and directions, this writ petition is disposed of. No costs.

13.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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P.DHANABAL,J

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