



W.P(MD) NO.10785 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

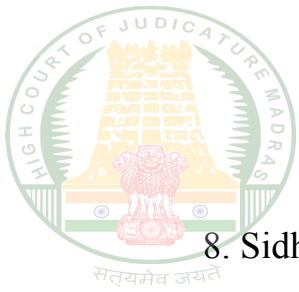
W.P(MD) No.10785 of 2025

Senthilkumar

... Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Pillarpatti, Trichy Road,
Thanjavur District.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Orathanadu,
Thanjavur District.
3. The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
4. The District Collector,
Office of the District Collector,
Trichy Road,
Thanjavur District.
5. Mohammed Kasim Ravuthar,
6. Muthalif,
7. Habeesh Ansari,



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8. Sidhik Nihara,

9. Vijayarani,

10. Pandiselvi,

11. Rajeshwari,

12. Ramamoorthi

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus to direct the respondent No.3 to conduct enquiry and take appropriate action of petitioner's representation dated 07.04.2025 in accordance with law within the time stipulated by this Court.

For petitioner : Mr.R.Manibharathi

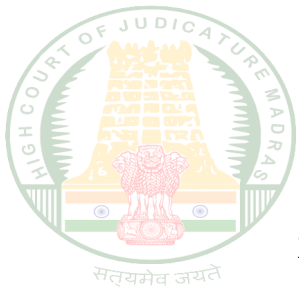
For R1 to R3 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl.Side)

For R4 : Mr.Senthil Ayyanar,
Government Advocate

For R6 : Mr.T.Indra Chithu

ORDER

This petition is filed by the petitioner to direct the respondents 2 and 3 to conduct enquiry and take appropriate action on the petitioner's representation dated 07.04.2025.



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2. The learned counsel for the petitioner would submit that the properties in survey Nos.436/2, 436/6, 436/4, 436/7. 446/1 in Pandipalamaikadu village, Thiruvonam Taluk, Thanjavur District originally belong to Karaikudi Jamin. The petitioner's ancestor's was working as labours of the Jamin and therefore, the petitioner ancestors were in possession and enjoyment of the property and constructed a temple, namely, Sri Adaikkalam Kaatha Ayyanar Temple in the abovesaid lands. Thereafter, under the Estate Abolition Act, 1948, the Government acquired the abovesaid lands and classified the said lands as Government Poramboke. However, the petitioner and associate members continued the agricultural activities. Thereby, they are in possession and enjoyment of the properties. The said lands were mentioned as Punja in the Revenue records as per the copy of RSR (RE-survey and re-settlement register) for the year 2001-2024.

3. The learned counsel would further submit that on 11.01.2001, the said lands were fraudulently assigned to one Mohammed Kasim Ravuthar/fifth respondent by the Revenue Officials through proceedings in O.Mu.No.15898/2000. Thereafter, sale deed, dated 16.08.2007, was executed by the fifth respondent to the sixth respondent. Thereafter, on



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25.11.2016, a settlement deed was executed by the sixth respondent to his son/seventh respondent. Thereafter, on 17.04.2012, a part of the abovesaid land was transferred by Muthaleeb/sixth respondent to one Vijayarani/ninth respondent through sale deed dated 06.05.2024. The respondents 6 and 8 jointly transferred another piece of the land to the respondents 10 and 11 through registered sale deed.

4. The learned counsel would further submit that after came to know about the abovesaid transactions, the petitioner filed a suit under the representative capacity and in I.A.No.1 of 2025 on the file of the Principal Sub Court, Pattukottai, Thanjavur for permanent injunction and the same is listed for hearing on 03.06.2025. While so, the fifth respondent filed a Writ Petition in W.P.(MD)No.6111 of 2025 before this Court for police protection to put up boundary stones and fencing of the land in Survey No.436/2 by suppressing the abovesaid pendency of the suit. This Court also directed the respondent police to consider the representation of the fifth respondent herein and pass orders after affording opportunity to both the parties. While so, the third respondent police, without hearing the petitioner, granted police protection for survey the land. Therefore, the petitioner sent a representation dated 07.04.2025 but the same has not



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been considered. Hence, he filed this petitioner.

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5. The learned counsel for the sixth respondent would submit that the sixth respondent acquired the property through sale deed dated 16.08.2007 and thereafter, he executed a settlement deed in favour of his son/sixth respondent on 25.11.2016 and the property is now under possession and enjoyment by the sixth respondent and his family members. While so, the petitioner unnecessarily caused obstructions from surveying and fencing the land and thereby, the sixth respondent approached this Court in W.P.(MD) No.6111 of 2025 and the same was disposed of by directing the Inspector of Police to consider the representation of the sixth respondent and pass appropriate orders after affording opportunity to both the parties. Thereby, the land was surveyed and the boundaries were also fixed, but so far not fenced. At this stage, the petitioner filed this petition and the sixth respondent has not received summons from the Civil Court. It seems that so far, the suit itself has not been numbered. Only to delay the fencing of the land, the petitioner has filed this petition. Therefore, this petition is liable to be dismissed.

6. The learned Government Advocate appearing for the fourth



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respondent would submit that based on the request made by the sixth respondent and as per the order of this Court, they conducted survey in the land in S.F.No.436/2 and fixed boundaries stones.

7. The learned Additional Public Prosecutor (Crl. Side) appearing for the respondents 1 to 3 would submit that already the sixth respondent filed the Writ Petition in W.P.(MD) No.6111 of 2025 in respect of Survey No.436/2 for police protection to survey and fencing the land, wherein this Court through order dated 07.03.2025 directed the third respondent herein to consider the representation dated 17.02.2025 and pass appropriate orders after affording opportunity to both the parties. In view of the same, the third respondent also conducted enquiry and thereafter, the land was surveyed. At this stage, this petitioner filed this petition.

8. Considering the prayer sought for in this petition, this Court, without issuing notice to other private respondents, is inclined to pass orders.

9. The prayer of the sought for in this petition is to consider the petitioner's representation dated 07.04.2025 and the petitioner also



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enclosed the representation. As per the representation dated 07.04.2025,

the petitioner sent a representation to the District Collector, Superintendent of Police, Deputy Superintendent of Police and Inspector of Police to set aside the prayer sought for in the earlier Writ Petition in W.P.(MD) No.6111 of 2025 and to give protection. The prayer sought for in the representation itself is misconceived. Therefore, such kind of prayer cannot be considered and this petition has no merits and deserves to be dismissed. Since the suit is pending, the petitioner can file appropriate application before the Court, where the suit is pending.

10. With the abovesaid observations and directions, this Writ Petition is dismissed.

21.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To
1.The Superintendent of Police,
Thanjavur,
Thanjavur District.



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2.The Deputy Superintendent of Police,
Pattukottai,
Thanjavur District.

3.The Inspector of Police
Sethubhavachathiram Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

apd

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