



W.P.(MD)No.31437 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.31437 of 2024

Muthuramanlingam

.. Petitioner

Vs

1. The Superintendent of Police
Madurai District

2. The Deputy Superintendent of Ppolice
Thirumangalam, Madurai District

3. The Inspector of Police
Taluk Police Station
Thirumangalam

4. Duraipandi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to take necessary action and give adequate police protection to fencing stones in property situated in Survey No.96/5 at Sathangudi Bit-2 village, Thirumangalam Taluk, Madurai District to the extent of 1 Acre 20 cents based on petitioner's representation dated 21.12.2023



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W.P.(MD)No.31437 of 2024

For Petitioner : Mr.A.Seenivasan
For Respondents : Mr.A.Thiruvadikumar
No. 1 to 3 Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to take necessary action and give adequate police protection for fencing stones in property situated in Survey No.96/5 at Sathangudi Bit-2 village, Thirumangalam Taluk, Madurai District to the extent of 1 Acre 20 cents based on petitioner's representation dated 21.12.2023 .

2. The petitioner had purchased 1 Acre 20 cents (48.5 ares) in S.No.96/5 from one Samuvel. One Muthiah, son of Duraipandi had created forged patta in his name through Augustus vide patta No. 2219 and using the same registered sale deed in Doc.No.4956/2011. Subsequently with the forged documents Duraipandi got patta in his name in patta No.2225. Since the patta is in the name of Augustus, Ayyar Devar made a petition before the Revenue Divisional Officer, Thirumangalam to cancel the above forged patta who had cancelled the same vide Mu.Mu.No.923 of 2019. Against which the said Duraipandi preferred an appeal before the the District Revenue Officer in



W.P.(MD)No.31437 of 2024

WEB COPY

Ni.Nu.No.G2/42753/2019 and the appeal was dismissed in favour of the mother of the petitioner and maternal uncle. The maternal uncle of the petitioner passed away on 01.07.2023. Even before his death the petitioner had come in possession of the property of the maternal uncle. Thereafter the petitioner had approached the revenue Tahsildhar and revenue authorities for surveying the land and to fix boundary stones. Since no action has been taken the petitioner has approached this Court in W.P(MD) No. 14732 of 2024 and thereafter on the direction of this Court, the Tahsildhar of Thirumangalam Taluk in Na.Ka. No. 5351/2023/E4 had ordered for survey and fixing boundary stone. On 30.11.2023 survey was conducted and boundary stones were fixed and also fencing was put up by the petitioner. The said Duraipandi, his son Thangapandi, daughter Selvi and son-in-law of Duraipandi along with ten others trespassed into the petitioner's property and removed the boundary stone and also caused damage and they also threatened the petitioner. This they were able to do since the daughter -in-law of the Duraipandi was District Counsellor of a ruling party. Hence the respondent police is also not taking any action. Though the petitioner had made complaint to the respondents as well as to the Superintendent of



W.P.(MD)No.31437 of 2024

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Police and Deputy Superintendent of police on 22.12.2023 till date no action has been taken. The petitioner has also produced the order passed by the Tahsildhar in Na.Ka.No.5351/2023/E4, whereby confirming that the property of the petitioner has been surveyed and boundary stones has been fixed.

3. The learned Additional Public Prosecutor fairly submitted that the complaint of the petitioner has been received by the third respondent police and after issuing CSR No.525 of 2023 no action has been taken finding that it is a land dispute.

4. The explanation given by the learned Additional Public Prosecutor on the instructions of the third respondent is not proper and it is not a land dispute. It is a clear encroachment, use of brutal force by Duraipandi, his son, daughter and daughter-in-law. The daughter -in-law of the Duraipandi is a District Counsellor of the ruling party. This might be the reason for the respondent police to be a spectator not to take any action.



W.P.(MD)No.31437 of 2024

WEB COPY

5. In view of the same, this Court finds that the action of the third respondent is improper when the petitioner is running from pillar to post fighting at each stage to get the land surveyed with the help of revenue authorities. At that time he had approached this Court in W.P(MD) No. 14732 of 2024 and thereafter only land could be surveyed boundary stones could be laid. After the officials laid the boundary stones the Duraipandi and his group had removed the same due to the in action of the police which embolden them to cause threat to life and property.

6. In view this Court directs the second respondent to ensure requisite police force and ensure that the removed boundary stones to be re-fixed and also the petitioner to put fencing to save his property from any encroachment. The right of property and life is fundamental right which the police cannot be shred away the responsibility.



W.P.(MD)No.31437 of 2024

WEB COPY

7. With the above direction the Writ Petition stands disposed of.

No costs.

03.01.2025

Index: Yes/No

Internet : Yes/No

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3. The Inspector of Police
Taluk Police Station
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4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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W.P.(MD)No.31437 of 2024

M.NIRMAL KUMAR, J.

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W.P.(MD)No.31437 of 2024

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