

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35293 of 2015

K.N.Venkatachalam

... Petitioner

vs.

1.The District Collector,
Erode District, Erode.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Erode District, Erode-1.

3.The Inspector of Police,
Erode Taluk Police Station,
Chennimalai Road, Erode.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to consider the representation of the petitioner dated 7.9.2015 for providing police protection to the petitioner and his family members and pass orders thereon within a time frame that may be fixed by this Court.

For Petitioner : Mr.D.Selvaraju

For respondents : Mr.C.Emalias,
Additional Public Prosecutor.

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents herein to consider his representation dated 7.9.2015 for providing police protection to him and to his family members and pass orders thereon within a time frame that may be fixed by this Court.

2. It is the case of the petitioner that he is a farmer living with his family members at Kathirampatti Village.

He owns agricultural land comprised in Survey Nos.1471/1, 147/2 and in 146. As per the revenue records and other Government records, the land comprised in Survey No.147/3 of Kathirampatti Village is classified as Vadigal. It is the further case of the petitioner that one Selvarathinam owns lands comprised in Survey 148 of Kathirampatti Village. The said Selvarathinam along with her husband Selvakumar encroached upon the water body comprised in Survey No.147/3 of Kathirampatti Village by dumping sand and stones to form a cart track. Hence, the petitioner filed a writ petition in W.P.No.23284 of 2009 before this Court seeking a direction to the respondents therein to remove the obstruction over the water body. This Court has also allowed the said writ petition on 12.4.2010. Annoyed by the action of the petitioner, the said Selvarathinam, along with her husband Selvakumar is continuously threatening the petitioner and his brother stating that they would eliminate the petitioner and his family members. In fact, the petitioner and his family members were assaulted with deadly weapons and they sustained grievous injuries and they were admitted in the hospital for treatment. In this regard, First Information Report was also registered in Crime No.426 of 2013 for the alleged offence punishable under Sections 341, 147, 294 B, 323 and 506(i) I.P.C. Since the petitioner is continuously under threat, he made a representation dated 7.9.2015 to the respondents requesting them for providing sufficient protection to him and to his family members. But, the said representation was not considered so far. Hence, the present writ petition.

3. Learned Additional Public Prosecutor opposed to entertain the writ petition stating that the dispute between the parties is purely civil in nature.

4. But, the learned counsel appearing for the petitioners replied that though the dispute is civil in nature, the petitioner and his family members are continuously under threat. In fact, one occasion, they were also assaulted and that is the reason why the petitioner has filed the present writ petition.

5. Irrespective of the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the second respondent to consider the petitioner's representation dated 7.9.2015 with regard to providing police protection and pass appropriate orders / take necessary action on merits and in accordance with law, by affording an opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

Sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

sbi

To

1.The District Collector,
Erode District, Erode.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Erode District, Erode-1.

3.The Inspector of Police,
Erode Taluk Police Station,
Chennimalai Road, Erode.

+1 CC to MR.D.Selvaraju Advocate. SR.NO. 62706

+1 CC to Govt.Pleader. SR.NO. 62623

W.P.No.35293 of 2015

CO-SAI
JD 11/12/2015

सत्यमेव जयते
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