

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
W.P.No.4474 of 2015

Gnaniyaarswamy Aasi Sree Kamatchi Trust
rep. By its Trustee
A.Muthu
99B, Thirumalai Street,
Venkatesapuram,
Kuthapakkam, Cuddalore - 2 ...Petitioner

Vs

1. The District Collector,
Cuddalore District
2. The Revenue Divisional Officer,
Cuddalore District
3. The Tahsildar,
Tahsildar Office,
Cuddalore - 1
4. The Superintendent of Police,
Cuddalore District
5. The Inspector of Police,
Thirupathiripuliyur Police Station,
Thirupathiripuliyur,
Cuddalore District

6. Thirumugam

7. Thenmonizh

8. Janakiraman

9. Gauri

10. D.Raja

...Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th and 5th respondents herein to give adequate police protection to the petitioner and his workmen during the construction of compound wall in the vacant land measuring an extent of ten acres and sixty five cents comprised in Survey Nos.841, 843, 844, 845/1, 845/2, situated in Thirupathiripuliyur Village,

Cuddalore District on the basis of the petitioner's representations dated 13.11.2014 and 15.11.2014.

For Petitioner :Mr.K.R.Krishnan

For Respondent

Nos. 1 to 5 :Mr.P.Sanjay Gandhi
Additional Government Pleader

For Respondent

No.10 : Mr.P.Rajendran

O R D E R

The petitioner has come forward with this petition seeking to issue a Writ of Mandamus directing the 4th and 5th respondents herein to give adequate police protection to the petitioner and his workmen during the construction of compound wall in the vacant land measuring to an extent of ten acres and sixty five cents comprised in Survey Nos.841, 843, 844, 845/1, 845/2, situated in Thirupapuliur Village, Cuddalore District on the basis of the petitioner's representations dated 13.11.2014 and 15.11.2014.

2. The petitioner-Trust was established with the object to establish and maintain the Institutions for promoting technical education in the field of Agriculture, Medicine and to run hospitals for the benefit of general public. The petitioner-Trust to achieve the said object decided to acquire ten acres and sixty five cents of vacant land comprised in Survey Nos.841, 843, 844, 845/1, 845/2, situated at Thirupapuliur Village, Cuddalore District on long terms lease basis with initial lease period of 60 years from a religious and spiritual institution, namely, Thirukovaluratheenam Sreemath Gnaniyar Madalayam, Sanathi Street, Thirupapuliur, Cuddalore. The petitioner-Trust entered into a lease agreement dated 27.02.2014 with the Thirukovaluratheenam Sreemath Gnaniyar Madalayam for a yearly lease amount of Rs.20,000/-

3. Thereafter, the petitioner/Trust on 28.01.2014 started to construct compound wall around the properties for the purpose of security and to prevent antisocial elements from trespassing into the property. While the constructions of compound wall was commenced by the workers employed by the petitioner-Trust, about hundred persons who are living in huts near the leased land assaulted the workers involved in the construction of compound wall and threatened them with dire consequences. In this regard a complaint was lodged by the petitioner with the 4th respondent, but no action was taken by the 4th respondent.

4. In fact peace committee meeting was held before the 3rd respondent on 27.04.2014. The said Sreemath Gnaniyar Madalayam submitted the entire relevant document to prove their ownership over the disputed property.

5. The 3rd respondent after going through the documents submitted by the Madalayam and related revenue records submitted a report to the 2nd respondent through a proceedings made in Na.Ka.No.A2-100-2014 dated 22.08.2014 holding that the disputed lands are patta lands belonging to the Madalayam. Thereafter, the petitioner made representation on 26.08.2014 to the 2nd and 4th respondents to provide police protection for construction of compound wall in the leased out property. The 2nd respondent directed the 5th respondent by proceedings in Na.Ka.No.A7/462/2014 dated 10.09.2014 to provide police protection to the petitioner. On 08.11.2014 when the petitioner undertook agricultural activities using tractor, the respondents 6 to 10 threatened the petitioner with dire consequences. Hence once again a representation dated 13.11.2014 was given to the 4th respondent and another representation dated 15.11.2014, seeking police protection for the construction of compound wall in the leased out property was given to the 5th respondent, but none of the representations were considered, hence the petitioner has come forward with the present Writ Petition.

6. Heard the learned counsel appearing for the petitioner and the learned respective counsel appearing for the respondents and perused the documents available on record.

7. Considering the submissions on either side, this Court is inclined to direct the petitioner to submit a fresh representation to the 5th respondent along with a copy of this order within a period of one week from the date of receipt of copy of this order. On receipt of such representation, the 5th respondent is directed to consider the request of the petitioner to provide police protection for construction of compound wall in the leased property in Survey Nos.841, 843, 844, 845/1, 845/2, situated in Thirupapuliur Village, Cuddalore District by affording opportunity of personal hearing and notice to the petitioner as well as to the other necessary parties and pass appropriate orders within a period of three weeks thereafter.

8. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The District Collector,
Cuddalore District
2. The Revenue Divisional Officer,
Cuddalore District
3. The Tahsildar,
Tahsildar Office,
Cuddalore - 1
4. The Superintendent of Police,
Cuddalore District
5. The Inspector of Police,
Thirupathiripuliyur Police Station,
Thirupathiripuliyur,
Cuddalore District

+1cc to Mr.K.R.Krishnan, Advocate sr.66809
+1cc to The Government Pleader sr.66938

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