

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

C O R A M

THE HON'BLE Mr.JUSTICE M.S.RAMESH

WP.No.13149 of 2013

Hazarath Syed Sha Hameed Awliya
Badhusa Darga,
Rep by its Trustee,
A.S.Mahoboob Basha
Senkzhunirodai Veedi
Big Kancheepuram,
Kancheepuram 621 502.

.. Petitioner

Versus

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
3. The Deputy Superintendent of Police,
Kancheepuram.
4. The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus or any other appropriate writ or direction, directing the second respondent herein to give police protection to the petitioner Hazarath Syed Sha Hameed Awliya Badhusa Darga and its properties situated at Big Kancheepuram based on the order passed by the Principal District Judge at Chegleput in O.S.No.11 of 1934 on 27.07.2011 and also based on the representation given by the petitioner Darga dated 29.07.2011, 16.11.2011 and the subsequent representations.

For Petitioner ... Mr.R.T.Shyamala

For Respondents ... Mr.K.Balamurugan,
Government Advocate

ORDER

A scheme decree was passed in OS.No.11 of 1934 by the Principal District Judge, Chenglepet in favour of the petitioner-Dharga. The case of the petitioner is that the land surrounding Dharga is under the threat of encroachment by third parties and in connection with the same the petitioner Dharga has filed an application in I.A.No.602 of 2011 in O.S.No.11 of 1934 before the Principal District Judge, Chenglepet, seeking for police protection and by an Interim order dated 27.07.2011, the second respondent was directed to give necessary police protection to the petitioner Dharga. In spite of the interim orders of the Principal District Judge, the petitioner submits that no police protection was accorded to them. Under such circumstances the petitioner had given several representation including representation dated 29.07.2011 and 16.11.2011. According to the petitioner, the land behind the Dharga is still under threat of encroachment.

2. Heard Mrs.T.Shyamala, learned counsel for the petitioner and Mr.K.Balamurugan, Government Advocate, appearing for the respondents.

3. The learned Government Advocate, would submit that if a direction to the second respondent is given to consider the representation of the petitioner, in the light of the interim orders of the District Court, the same would be complied with.

4. Under such circumstances, the second respondent is directed to consider the representation dated 16.11.2011 in the light of the interim order passed in IA.602 of 2011 in OS.No.11 of 1934 on the file of Principal District Judge, Chenglepet, on its own merits and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observations this writ petition is allowed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

dpq

To

1.The Principal District Judge
Chengalpet

2. The District Collector,
Kancheepuram District,
Kancheepuram.

3. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

4. The Deputy Superintendent of Police,
Kancheepuram.

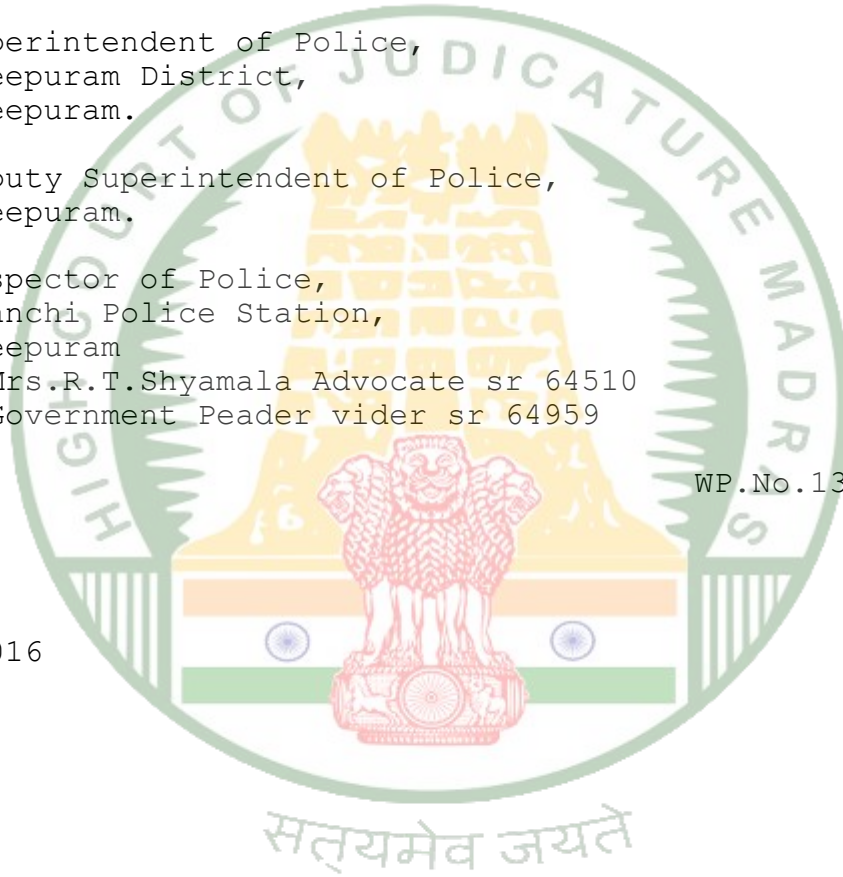
5. The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram

+1 cc to Mrs.R.T.Shyamala Advocate sr 64510

+1 cc to Government Peader vider sr 64959

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gj(co)
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