

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No.15763 of 2013 and M.P. Nos. 1 & 2 of 2013

R. Dayanithi

Petitioner

vs.

1 The Secretary to Government of Tamil Nadu
Home Department
St. George Fort
Chennai 600 009

2 The District Collector
Salem

3 The Superintendent of Police
Salem

4 The Revenue Divisional Officer
Salem

5 The Tahsildar
Salem

6 The Inspector of Police
Veeranam Police Station
Salem District

7 P. Raman

8 V. Raman

9 Rathinam

10 Ramayee

11 Rajamani

12 R. Nataraj

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 6 to provide sufficient police protection to the petitioner and his family members for their life and property existing in SF No.59/6 to an extent of 40 cents, 59/2 to an extent of 38 cents of D. Perumapalayam Village, Salem District.

For petitioner Mr. R. Nalliyappan

For RR 1 to 6 Mr. P. Karthikeyan
Government Advocate

ORDER

This writ petition has been filed seeking a writ of mandamus directing the respondents 1 to 6 to provide sufficient police protection to the petitioner and his family members for their life and property existing in SF No.59/6 to an extent of 40 cents, 59/2 to an extent of 38 cents of D. Perumapalayam Village, Salem District.

2 It is the case of the petitioner that he is the owner of the property measuring 40 cents in S.F. No.59/6; 38 cents in S.F. No.59/2 and 1.31 acres in Survey No.57/13 in D. Perumapalayam Village, Salem District, he having inherited the same and that the patta is also issued in his name.

3 While so, it is alleged by the petitioner that Tamil Nadu Malayali Vivasaya Munnetra Samu Sangam, an outfit, is attempting to dispossess him from his property illegally. In this regard, the petitioner had given a representation dated 04.05.2013 to the Inspector of Police, Veeranam Police Station, Salem District and since police has not taken any action, he has filed the present writ petition seeking the aforestated relief.

4 Heard Mr. R. Nalliyappan, learned counsel for the petitioners and Mr.P.Karthikeyan, learned Government Advocate appearing for the official respondents.

5 It is seen that when the matter was taken up for admission on 13.06.2013, this Court issued interim order, which is as follows:

"The petitioner is stated to be in possession and enjoyment of the property in SF No.59/6 admeasuring 40 cents and S.F. No.59/2 to an extent of 38 cents in D. Perumapalayam Village, Salem District. The petitioner was given patta in respect of the said property. Since there was a threat to his possession from the seventh respondent, the petitioner filed a Civil Suit in O.S. No.1157 of 2011 before the learned Principal District Munsif and obtained an order of interim injunction, pending disposal of the Suit for declaration and permanent injunction. It is the grievance of the petitioner that the respondents 7 to 12 made serious attempts to dispossess him from the property in question. The petitioner preferred a complaint before the Tahsildar, Salem as well as the Inspector of Police, Veeranam Police Station, Salem District. However, there was no follow up action.

2 The issue raised by the petitioner requires to be considered after the appearance of respondents 7 to 12.

3 Mr. M.S. Ramesh, learned Additional Government Pleader takes notice for the respondents 1 to 6. Issue notice to respondents 7 to 12 returnable by 28.06.2013.

4. The sixth respondent, who is the jurisdictional Inspector of Police should ensure that the petitioner is not dispossessed from the property in question by the respondents 7 to 12 or their agents or men in the mean time."

6 The learned Government Advocate submitted that the situation was very tense in the year 2013 and now, peace prevails in the area.

7 The learned counsel for the petitioner submitted that the petitioner still requires protection from such aggression by the said intruders, viz., respondents 7 to 12.

8 It is also seen that a decree dated 16.08.2012 has been passed in favour of the petitioner herein in O.S. No.1157 of 2011 by the Principal District Munsif Court, Salem, which is followed up by the proceedings of the Tahsildar, Salem, dated 25.04.2013, wherein, the Tahsildar has very clearly stated that the petitioner is the patta holder of the land in S.F. No.59/1 and that nobody else should cause unnecessary disturbance to the petitioner.

9 It is the duty of the police to obey the orders passed by the Courts and Revenue authorities. This writ petition was filed in the year 2013 and as on date, much water has flown under the bridge.

10 Under such circumstances, if there is any further aggression to the petitioner, it is open to the petitioner to approach the sixth respondent in person and lodge a fresh complaint and on such complaint being given, the same shall be enquired into and action taken in accordance with law.

With the above direction, this writ petition is closed. Connected M.Ps. are closed.

cad

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

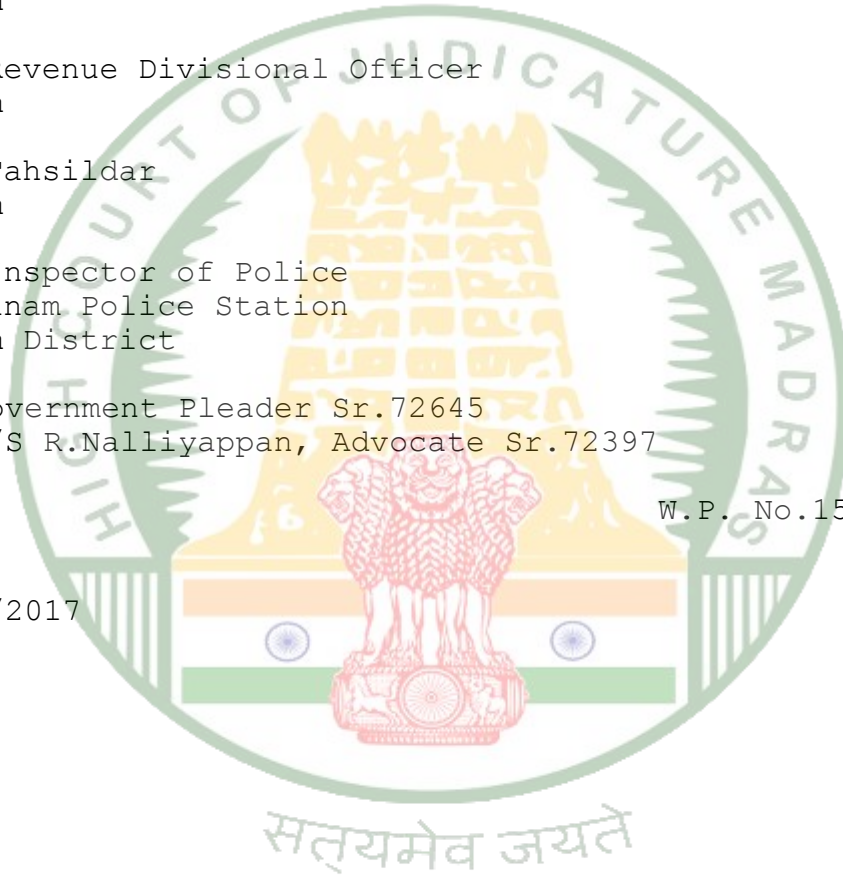
To

- 1 The Principal district Munsif, Salem
- 2 The Secretary to Government of Tamil Nadu
Home Department, St. George Fort
Chennai 600 009
- 3 The District Collector
Salem
- 4 The Superintendent of Police
Salem
- 5 The Revenue Divisional Officer
Salem
- 6 The Tahsildar
Salem
- 7 The Inspector of Police
Veeranam Police Station
Salem District

+1cc to Government Pleader Sr.72645
+1cc to M/S R.Nalliyappan, Advocate Sr.72397

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MSM(CO)
RVR 10/01/2017



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