

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.546 of 2016

And

W.M.P.No.378 of 2016

M.Sivakumar

... Petitioner

Vs.

1.The Inspector of Police,
Uthukuli Police Station, Tiruppur District.

2.The Superintendent of Police,
Tiruppur District.

3.Palaniaamal
4.Dhanabhagyan
5.Shanmugam
6.Sumathi
7.Thangamuthu
8.Ranganathan
9.Balakrishnan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondents to render police protection to petitioner to enter the property of petitioner located in Moratupalayam village R.S.No.321/1 (S.F.No.295) and lay fencing for the property and issue appropriate directions in this regard.

For Petitioner : Mr.J.Muruganantham

For Respondents : Mr.C.Emalias for R1 and R2
Additional Public Prosecutor

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the first and second respondents to render police protection to the petitioner to enter into his property located in Moratupalayam village R.S.No.321/1

(S.F.No.295) and lay fencing for the property and issue appropriate directions in this regard.

3.Though very many contentions have been raised in this petition, at the time of hearing, the learned counsel appearing for the petitioner submitted that the petitioner is in peaceful possession of the property located in Moratupalayam village R.S.No.321/1 (S.F.No.295). The said property belongs to the petitioner and now the petitioner intends to fence the property, but the respondents 3 to 9 are creating problem. Hence, the petitioner has come forward with this petition.

4.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor. In view of the nature of the order that is going to be passed, this Court is of the opinion that there is no need to issue notice to the respondents 3 to 9.

5.This Court without going into the merits of the claim made by the petitioner, directs the petitioner to give a fresh representation to the respondents police seeking police protection at the time of fencing the property and the respondents on receipt of the same, is directed to consider the same and pass appropriate orders with regard to providing of police protection to the petitioner to enter the property of the petitioner located in Moratupalayam village R.S.No.321/1 (S.F.No.295) and lay fencing for the property, after affording opportunity of personal hearing to the petitioner as well as to all the necessary parties.

6.It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and it is for the respondents police to consider the representation purely on merits. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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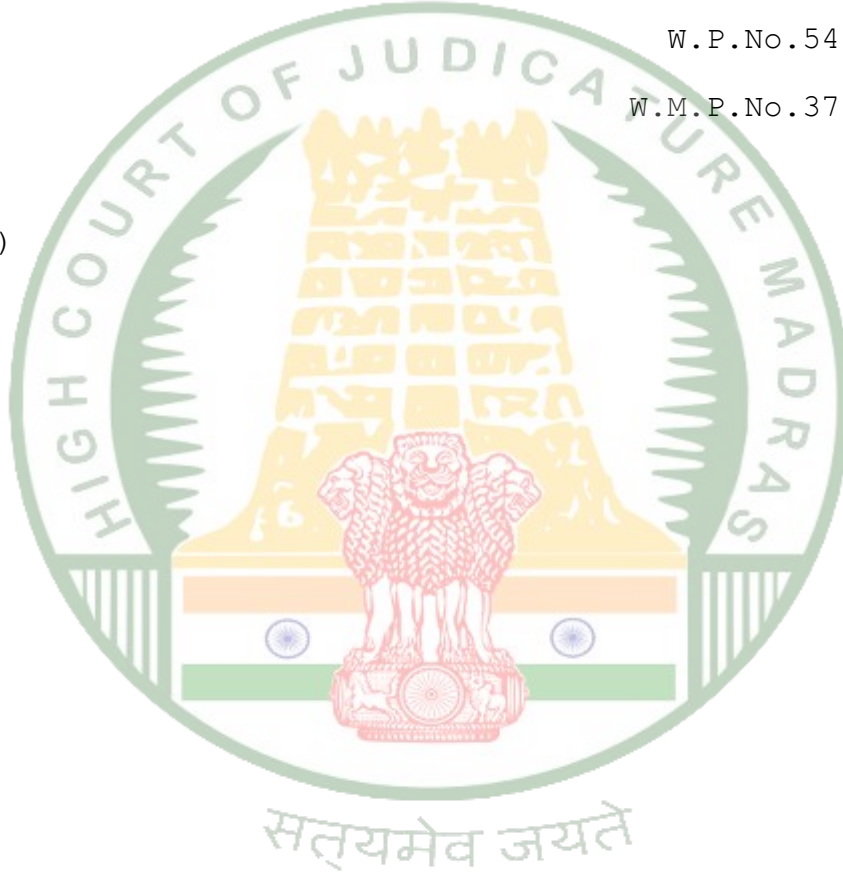
1.The Inspector of Police,
Uthukuli Police Station, Tiruppur District.

2.The Superintendent of Police,
Tiruppur District.

2 ccs to Mr.L. Muruganantham, Advocate, Sr. 1331

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