

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.6285 of 2016

P.Britto

... Petitioner

Vs.

1.The Secretary,
Home Department
Secretariat, Fort St.George
Chennai

2.The Inspector of Police
Sertamaram Police Station
Tirunelveli District.

3.Michelraj.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents 1 and 2 to provide police protection to petitioner doing renovation work at the property situated at New Survey No.635/20, Old Survey No.427/3 in Thannathu Village, Sankaran Koil Taluk, Tirunveli District.

For Petitioner : M/s.I.Arockia Selavraj

For respondents : M/s.P.Karthikeyan,
Government Advocate

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the respondents 1 and 2 to provide police protection to petitioner for doing renovation work at the property situated at New Survey No.635/20, Old Survey No.427/3 in Thannathu Village, Sankaran Koil Taluk, Tirunveli District.

3.The petitioner is a practising Advocate, the property belong to his father situated Thannathu Village, Sankaran Koil

Taluk, Tirunveli District in New Survey No.635/20 and Old Survey No.427/3. The petitioner's father left three feet as land vacant on the western side for the purpose of white washing and painting of wall and put up a gate in the portion of the land. But the third respondent without any right over the land disturbing while the petitioner's father was carrying the renovation work.

4.The petitioners father settled the land in favour of the petitioner vide Document No.2252/2015 and the petitioner is in possession and enjoyment of the same. The third respondent and his henchmen with the connivance of Government officials are preventing the petitioner's peaceful enjoyment and obstructing while white washing and renovating the property.

5.The petitioner's father and mother are living in the said house, the third respondent unnecessarily abusing the petitioner with filthy languages, picking up quarrels and threatening the petitioner's family. The petitioner's father made a complaint in the local police station on 07.01.2015 and also made a representation to the respondents on 18.01.2016 to intervene and solve the problem. But till date no action has been taken on the side of the respondents. Hence, the petitioner filed the present writ petition.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondents.

7.Considering the facts and circumstances, this Court, without going into the merits of the same, directs the second respondent to conduct enquiry with regard to providing police protection to the petitioner's property, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion on merits of the claim of the petitioner. It is for the second respondent to decide the issue purely on merits.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

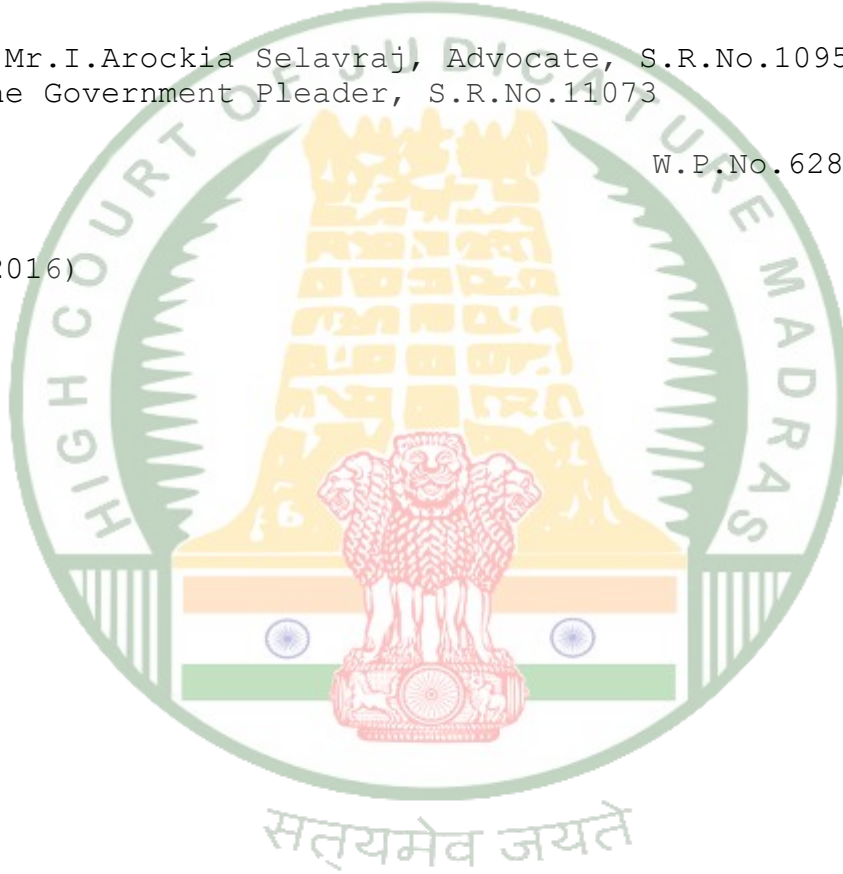
To

- 1.The Secretary,
Home Department
Secretariat, Fort St.George
Chennai
- 2.The Inspector of Police
Sertamaram Police Station
Tirunelveli District.

+2cc's to Mr.I.Arockia Selavraj, Advocate, S.R.No.10957
+1cc to the Government Pleader, S.R.No.11073

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GJ(CO)
CA(03/03/2016)



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