



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.15045 of 2016

and

W.M.P. (MD) .No.11090 of 2016

S.Vellaidurai

... Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Block Development Officer,
(Village Panchayat) Ilayankudi,
Sivagangai District.

3.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

4.The Inspector of Police,
Salai Kiramam Police Station,
Ilayankudi Taluk, Sivagangai District.

5.The Panchayat President,
Panchanur, Kadarthaakudi (Post),
Ilayankudi Taluk,
Sivagangai District.

... Respondents

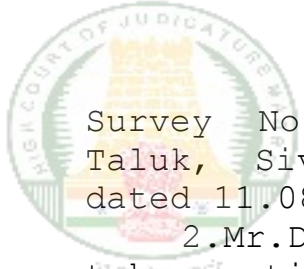
Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th respondent to consider the petitioner's representation dated 11.08.2016 in person to him and to provide appropriate police protection for the petitioner's property in Survey No.276/1A3 Panchanur, Kadarthaakudi (Post), Ilayankudi Taluk, Sivagangai District.

For Petitioner : Mr.V.K.Saravanan

For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader.

ORDER

The writ petition has been filed for issuance of a Writ of Mandamus, directing the 4th respondent herein to provide appropriate police protection for the petitioner's property in



Survey No.276/1A3 Panchanur, Kadarthaakudi (Post), Ilayankudi Taluk, Sivagangai District, by considering his representation dated 11.08.2016.

2.Mr.D.Muruganandam, learned Additional Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.The learned counsel for the petitioner would submit that the fifth respondent is trying to lay a road on the private property of the petitioner and hence, he gave a complaint to the 4th respondent on 11.08.2016. As there was no response to the same, he has come up with this petition.

5.The learned Additional Government Pleader appearing for the respondents would submit that the fifth respondent appeared before the 4th respondent police and informed that only after measuring the property, he would take steps to lay the road.

6.At this juncture, the learned counsel for the petitioner would submit that without any information and without knowledge of the petitioner, the property of the petitioner has been surveyed by the fifth respondent. Under such circumstances, he made an application dated 25.01.2016 for measuring his property, for which necessary fee has also been paid.

7. If the contention of the learned counsel for the petitioner is correct, then it is not proper on the part of the fifth respondent to have measured the property without the knowledge and information of the petitioner herein, who claims to be the owner of the property.

8.Be that as it may, considering the submission of the learned counsel for the petitioner that he already applied for measuring his property, the third respondent is directed to instruct the surveyor concerned to fix a date for measuring the petitioner's property and measure the same after giving notice to both the parties viz., the petitioner herein and the fifth respondent herein. On the date to be fixed for survey, the 4th respondent shall give adequate police protection to both the parties. Till the measurement is taken, the fifth respondent shall not proceed with putting up of road.

9.The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar (CS-I)

/True Copy/



To

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Block Development Officer,
(Village Panchayat) Ilayankudi,
Sivagangai District.

3.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

4.The Inspector of Police,
Salai Kiramam Police Station,
Ilayankudi Taluk, Sivagangai District.

5.The Panchayat President,
Panchanur, Kadarthaakudi (Post),
Ilayankudi Taluk,
Sivagangai District.

+1 cc to MR.V.K.SARAVANAN, Advocate Sr.No.44589

ORDER MADE IN
W.P(MD)No.15045 of 2016
16.08.2016

SMA/KP/SAR-III/17/08/2016 :3P/7C