

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.5856 of 2017

Mottaiyan

.. Petitioner

Vs

- 1.The Deputy Inspector General of Police,
Vellore Range, Vellore,
Vellore District.
- 2.The Superintendent of Police,
Vellore District, Vellore.
- 3.The Inspector of Police,
Thandrapattu Police Station,
Thandrapattu, Tiruvannamalai District.
- 4.Kubendran

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the respondents 1 to 3 to give police protection to the petitioner enabling the petitioner to repair the agricultural pipe line erected towards north to south in the lands comprised in S.Nos.137B2, 137/2A, 137/3B and 137/4B of Rayandapuram Village, Thandarampattu Taluk, Tiruvannamalai District.

For Petitioner : Mr.K.Bhuvaneswari

For R1 to R3 : Mr.C.Emalias, APP

For R4 : Notice served, no appearance

ORDER

The prayer made in the writ petition is to issue a writ of Mandamus directing the respondents 1 to 3 to give police protection to the petitioner enabling him to repair the agricultural pipe line erected towards north to south in the lands comprised in S.Nos.137B2, 137/2A, 137/3B and 137/4B of Rayandapuram Village, Thandarampattu Taluk, Tiruvannamalai District.

2. It is the case of the petitioner that after the death of his father, he acquired the properties in S.Nos.145/2, 137/2,

137/3, 120/1A, 120/2, 120/3, 122/1A and 122/1C measuring to an extent of 0.67 acres at Thandarampattu Taluk, Tiruvannamalai District by way of inheritance and has been in possession and enjoyment of the same by doing cultivation. As per the partition deed entered into between the petitioner's father and his brothers, a common Well is situated in the said lands for both the parties i.e., his father and the father of the fourth respondent and the petitioner are doing cultivation by using the same. Be that as it may, the fourth respondent with his henchmen, attempted to assault the petitioner on 07.05.2016 and grab the said well. Hence, the petitioner made a complaint before the first respondent, who, in turn, directed the parties, not to trespass into the lands comprised in S.Nos.137/2B, 137/2A, 137/3B and 137/4B and arrive at a settlement. While so, on 26.01.2017, the fourth respondent along with his henchmen and JCB vehicle, entered into the lands belonging to the petitioner and damaged the pipe line, which is situated towards north to south in S.Nos.137/2B, 137/2A, 137/3B and 137/4B connecting with the common wall, due to which, water could not be taken to his lands, resulting in financial loss to the petitioner. Therefore, he approached the second respondent and made a complaint dated 20.02.2017 requesting to provide protection to repair the damaged pipeline erected in his lands. Finding no response, he has filed the present petition for the above stated relief.

3. On 09.03.2017, when the matter came up for admission, this Court has directed the petitioner to send notice to the fourth respondent privately. Accordingly, private notice was sent and the same was served on the fourth respondent. Despite the same and the name of the fourth respondent having been printed in the cause list, there is no representation for the fourth respondent either in person or through a counsel.

4. Learned counsel for the petitioner submitted that the petitioner will not cause any hindrance or damage to the fourth respondent or his property, in the event of permitting him to carry out the repair of the damaged pipe line erected in the lands in question. The said submission is recorded.

5. Considering the facts and circumstances of the case and also taking note of the undertaking given by the petitioner, this Court directs the respondents police to consider the request of the petitioner and provide police protection to him, for the purpose of repairing the pipeline erected in the lands in question. The same will be at the cost of the petitioner.

6. The writ petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Deputy Inspector General of Police,
Vellore Range, Vellore,
Vellore District.
- 2.The Superintendent of Police,
Vellore District, Vellore.
- 3.The Inspector of Police,
Thandrapattu Police Station,
Thandrapattu, Tiruvannamalai District.
- 4.The Public Prosecutor, High Court, Madras.

+1cc to Mr.K. Bhuvaneswari, Advocate, S.R.No.17161

rsy(CO)
md(24/03/2017)

WP.No.5856 of 2017

सत्यमेव जयते

WEB COPY