

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.26574 of 2017

and

W.M.P.No.28292 of 2017

- 1.N.Jimmiki
- 2.K.Malarkodi
- 3.M.Pappal
- 4.M.Anjalai
- 5.S.Pazhanimmal
- 6.K.Saroja
- 7.R.Sellammal
- 8.P.Nallammal
- 9.A.Valli
- 10.E.Malarkodi
- 11.P.Kannammal

... Petitioners

Vs.

1. The District Collector,
Cuddalore District.
2. The Revenue Tahsildar,
Thittakudi, Cuddalore District.
3. Inspector of Police,
Ramanathapuram Police Station,
Thittakudi,
Cuddalore District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent to comply with the directions of the second respondent herein vide his letter bearing No.Na.Ka.A5.60/2017 dated 31.07.2017.

For Petitioners : Mrs.P.T.Asha
for M/s.Sarvabhauman Associates

For Respondents : Mr.S.Babu,
Government Advocate

O R D E R

Though earlier this Court had directed the matter to be listed on 13.11.2017, by an order dated 06.11.2017, a mention was made on the same day i.e., on 06.11.2017, to list this matter on 08.11.2017 (i.e., today), this Court had permitted the matter to be listed today. However, the Registry had inadvertently failed to carryout the corrections and hence, the matter is taken up for consideration on the mentioning of both the learned counsel for the petitioners as well as the learned Government Advocate appearing for the respondents.

2.The prayer in the present writ petition is for a direction to extend Police protection to the petitioners, pursuant to the orders passed by the Revenue Tahsildar, Thittakudi on 31.07.2017, for the purpose of constructing houses in the lands allotted to the landless persons.

3.Pursuant to the directions of the District Collector, it is seen that on 31.07.2017, the second respondent herein, viz., the Revenue Tahsildar, Thittakudi, had observed that there were certain obstructions from the third persons, when the petitioners had attempted to put up house sites in the free pattas granted to them and consequently had requested the third respondent-Police to extend adequate protection to enable the petitioners to put up their houses. Though, the order was passed a way back by the Revenue Tahsildar on 31.07.2017, it is the petitioners' grievance that the third respondent has not extended the necessary protection to enable them to put up their houses. In this connection, the representations given by the petitioners are also pending before the 1st and 3rd respondents.

4.It is needless to point out that whenever a representation seeking for protection is given, the third respondent-Police are duty bound to dispose of it in one way or the other rather than keeping it pending. In the present set of facts, it is seen that the Revenue Tahsildar had requested the third respondent to extend the necessary protection. It is needless to point out that the limited scope of the third respondent is only to extend the protection and he cannot go into the eligibility of the petitioners over the said lands. Unless and until the order of the second respondent dated 31.07.2017 is withdrawn or otherwise set aside, the petitioners are bound to comply with the request made. Under such circumstances, the petitioners are granted liberty to approach the third respondent to seek for necessary protection and on receipt of a such representation, the third respondent shall positively extend the Police protection and ensure that the petitioners put up their construction without any obstructions from any third party. Such an exercise of

considering the petitioners' request positively shall be done on the same day of the representation.

With the above observations, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

abr/gv

To

1. The District Collector,
Cuddalore District.
2. The Revenue Tahsildar,
Thittakudi, Cuddalore District.
3. The Inspector of Police,
Ramanathapuram Police Station.
Thittakudi, Cuddalore District.

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.79236
+1cc to the Government Pleader, S.R.No.79609

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