



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

W.P. (MD) Nos. 11859 to 11862 of 2017

M.Kali Rajan : Petitioner in W.P. (MD) No. 11859/2017
K.S.Kutralam : Petitioner in W.P. (MD) No. 11860/2017
M.Gopalakrishnan : Petitioner in W.P. (MD) No. 11861/2017
K.Krishnamoorthi : Petitioner in W.P. (MD) No. 11862/2017

-Vs-

1. The Superintendent of Police,
Thoothukudi District.

2. The Inspector of Police,
Murapanadu Police Station,
Thoothukudi District.

: Respondents in all W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to award adequate police protection to survey, demarcate and for recording the boundaries of my property situated in Survey No. 140/1 (Patta No. 1442), Keelavallanadu Village, Srivaigundam Taluk, Thoothukudi District.

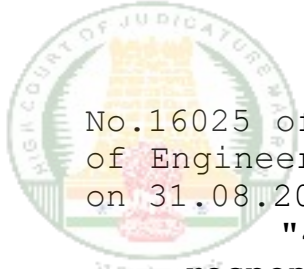
For Petitioners : Mr. Anand,

For Mr. P. Gunasekaran

For Respondents : Mr. T. S. Mohammed Mohideen,
Additional Government Pleader

C O M M O N O R D E R

It is the case of the petitioners that the land measuring 5 Acres and 38 Cents in Survey No. 140, Keelavallanadu Village, Srivaikundam Taluk, originally belonged to one Stephen. The four petitioners herein had purchased undivided share of lands by separate sale deeds from Stephen totally measuring 4 Acres and 53.60 cents in 5 Acres and 38 cents. After the death of Stephen, his legal heirs, who are running Infant Jesus Engineering College, filed four separate suits against all the four petitioners before the District Munsif Court, Srivaikundam, for declaring the sale deeds executed by Stephen as null and void and also for a consequential injunction restraining the four purchasers under the said sale deeds from interfering with the possession of the property. The four interim applications were dismissed by the District Munsif Court, Srivaikundam on 19.09.2016. One of the legal heirs, by name Anand (who is one of the plaintiffs in the four suits) filed CrI.O.P. (MD)



No.16025 of 2016 seeking police protection for Infant Jesus College of Engineering, in which, this Court has passed the following order on 31.08.2016:

"4.The learned Government Advocate appearing for the respondents, on instructions, would submit that the second respondent would consider the representation of the petitioner dated 20.07.2016 and pass appropriate orders positively, as safety and security of the students community is involved in this matter.

5.In view of the above submission made by the learned Government Advocate, this Criminal Original Petition is disposed of with a direction to the second respondent to consider the representation of the petitioner, dated 20.07.2016 and pass appropriate orders on merits and in accordance with law forthwith.

6.This Criminal Original Petition is accordingly disposed of."

2. Admittedly, the police have not passed any orders on the representation dated 20.07.2016 that is said to have been given by Anand in compliance with the directions issued by this Court in Crl.O.P.(MD)No.16025 of 2016. While so, now the petitioners have made an application before the Revenue Authorities seeking to survey and, therefore, they have approached this Court for police protection.

3. Admittedly, the petitioners have undivided share of lands. According to the petitioners, Stephen had earmarked 64.4 cents of land in the middle of 5 Acres and 38 cents for Infant Jesus Educational Trust and he has sold 4 Acres and 53.60 Cents to the four petitioners herein, but, whereas, the legal heirs of Stephen, who are now running Infant Jesus Engineering College, have questioned the very validity of the sale by Stephen to the four petitioners before the District Munsif Court, Srivaikundam. Under such circumstances, this Court cannot give a blanket order to provide police protection to the petitioners. However, on the petitioners making an application to the Revenue Authorities for measuring and survey of the lands, the Revenue Authorities may make an application to the police for police protection and on such application being given, the police shall provide sufficient protection to the Revenue Authorities to measure the land and nothing more. This cannot be construed as a recognition of the right of either parties to the litigation by this Court.

4. The Writ Petitions are closed with the above observation. No costs.

Sd/-

Assistant Registrar



To

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Murapanadu Police Station,
Thoothukudi District.

+4cc to MR.P.GUNASEKARAN Advocate in SR. NO.62664

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. NO.62307

SML

JS/SKN.RSK/SAR.3/4.7.2017/3P-8C

Common Order made in
W.P. (MD) Nos.11859 to 11862 of 2017
Dated: 27.06.2017