



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.3622 of 2017

M.Muthuram

.. Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Thasildar,
Taluk Office, Theni Taluk,
Theni.

3.The Inspector of Police,
Veerapandi Police Station,
Theni District.

4.Muniyandi

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to provide adequate police protection to remove Seemai Karuvelam Trees (Prosopis Juliflora) in the petitioner's land in Survey No.640/2 in Patta No.888 and extension of 70 cents at Veerapandi Village, Theni District within the time frame to be fixed by this Court.

For Petitioner

: Mr.M.Maran

For Respondents 1 to 3

: Mr.M.Govindan,
Special Government Pleader

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the third respondent to give necessary police protection at the time of removing Seemakaruvalam trees in the place mentioned therein, by way of issuing a writ of mandamus.

2.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 3. Considering the nature of the relief sought in the writ petition, notice need not be sent to the fourth respondent.



3. The learned counsel appearing for the petitioner has advanced his argument on the basis of averments made in the petition.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 has represented that the petitioner has already lodged a police complaint against the fourth respondent and subsequently made an endorsement to the effect that he would seek remedy through Civil forum.

5. The consistent case put forth on the side of the petitioner is that the property mentioned in the petition is the absolute property of the petitioner, wherein the fourth respondent has made a counterclaim.

6. Considering the nature of the dispute, this Court is inclined to pass the following order.

7. In fine, this writ petition is allowed in part without costs and the petitioner is directed to give a representation to the second respondent and the second respondent is directed to visit the survey number mentioned in the petition and take appropriate action and to facilitate the petitioner to remove Seemakaruvelam trees as early as possible.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Theni District, Theni.
2. The Thasildar,
Taluk Office, Theni Taluk,
Theni.
3. The Inspector of Police,
Veerapandi Police Station,
Theni District.

+1 CC to M/s.M.MARAN, Advocate, SR No.11467

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 11928

ORDER MADE IN
W.P (MD) No.3622 of 2017
01.03.2017