



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12 .07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No. 7474 of 2017

P.Balasubramanian

... Petitioner

vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

3.The Sub Inspector of Police,
Veerakeralampudhur Police Station,
Veerakeralampudhur, Tirunelveli District.

4.S.Karuppasamy

5.Usha

... Respondents

PRAYER: 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 provide Police protection to the petitioner for removing "Proposis Julifora" (Seemai Karuvelam Trees) from the petitioner's land comprised in Survey Nos.460/2, 460/3, 250/10, 250/11, 255/1, 256/1A, 256/1B and 178/2 at Veeranam Village, Veerakeralampudhur Taluk, Tirunelveli District against the threat from the respondents 4 and 5 and ensure no untoward incident would be happened to the petitioner while removing the harmful trees on the basis of the petitioner's complaint dated 10.04.2017.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.T.S.Md.Mohideen

AGP for R1 to R3

No Appearance for R4 and R5

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this writ petition to direct the Police to give him protection for removal of Seemai Karuvelam Trees in his land in Survey Nos. 460/2, 460/3, 250/10, 250/11, 255/1, 256/1A, 256/1B and 178/2 at Veeranam Village,

Veerakeralampudhur Taluk, Tirunelveli District.

2.The learned Additional Government Pleader, on instructions, submitted that there was a civil suit in O.S.No.683/2011 filed before the Additional District Munsif Court, Tenkasi. The civil suit was decreed by the Civil Court. There are two appeals now pending before the Sub Court, Tenkasi with regard to the property in question.

3.There is no question of directing the Police to give protection to the petitioner for removal of Seemai Karuvelam Trees in a property, which is the subject matter of litigation. We are therefore of the view that the writ petitioner has not made out a case for police protection.

4.In the upshot, we dismiss the writ petition. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

3.The Sub Inspector of Police,
Veerakeralampudhur Police Station,
Veerakeralampudhur,
Tirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.65604

ARUL/SKM
JS/SV/SAR.2/31.07.2017/2P-5C

W.P. (MD) No. 7474 of 2017
12.07.2017