



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P (MD) No.3857 of 2013

and

M.P (MD) Nos.1 and 2 of 2013

M.Jayapandi

... Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai - 600 004.

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

3.The Deputy Superintendent of Police,
Chidambaram Nagar,
Thoothukudi,
Thoothukudi District.

4.Felix Suresh Peter

5.Mariappan @ Martin Raja

6.Ajayrani @ Mariammal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to take appropriate action against the respondents 4 to 6 and pay adequate compensation for the damage incurred to the petitioner and also provide police protection to his family within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.S.Kumar

Additional Government Pleader for R.1 to R.3

No appearance for R.4

Mr.R.Gandhi,

for M/s.Ajmal Associates for R.5 & R.6



ORDER

The petitioner claims that the fourth respondent - Inspector of Police, Puthiamputhur Police Station, Ottapidaram Taluk, Thoothukudi District, had aided the respondents 5 and 6 to demolish a compound wall of his house. He has made a specific complaint to the first respondent as well as the second respondent. Claiming that no action has been taken by the authorities concerned, the petitioner seeks issuance of a writ of Mandamus directing the authorities to conduct an enquiry and pay adequate compensation to him.

2. Without going into the merits of the issue, I direct the second respondent, namely, Superintendent of Police, Thoothukudi District, to enquire into the claim of the petitioner made in his representation dated 08.03.2013 and the enquiry will be restricted to the role of the fourth respondent - Inspector of Police, Puthiamputhur Police Station, Ottapidaram Taluk, Thoothukudi District, in demolition of the compound wall and nothing more.

3. Further, the entire fiasco appears to have happened due to the proceedings of the Thasildhar rejecting the request of the sixth respondent for grant of separate patta.

4. It is also seen that after rejecting the request for grant of separate patta on 23.09.2012, the Tahsildar, Ottapidaram Taluk, Thoothukudi District, had issued a notice again on 26.02.2013 to the parties for an enquiry on 12.03.2013. Pursuant to the said enquiry, it appears that the Tahsildar has submitted a report to the Sub Collector, Kovilpatti, Thoothukudi District.

5. Therefore, the Sub Collector, Kovilpatti, Thoothukudi District, is directed to pass appropriate orders based on the said report, directing the the Tahsildar, Ottapidaram Taluk, Thoothukudi District, to measure the property in question and issue separate patta according to the sale deeds of the respective parties, within a period of twelve weeks from the date of receipt of a copy of this order. If the parties are aggrieved, it is open to them to approach appropriate civil Court depending on the proceedings of the Sub Collector, Kovilpatti, Thoothukudi District.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSIII)

Sub-Assistant Registrar



TO

1.The Director General of Police,
Mylapore,
Chennai - 600 004.

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

3.The Deputy Superintendent of Police,
Chidambaram Nagar,
Thoothukudi,
Thoothukudi District.

4.The Sub Collector,
Kovilpatti,
Thoothukudi District.

+1 CC TO MR.P.GANDHI,ADVOCATE,SR NO.51919

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.52053

+1 CC TO MR.G.THALAIMUTHARASU, ADVOCATE, SR NO.52117

rsb

MAS/RR:20.04.2017:3P-8C

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