

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 03.01.2019****CORAM:****THE HON'BLE MR. JUSTICE N. ANAND VENKATESH****W.P.No.31367 of 2018**

V.Gopinath

... Petitioner

Vs.

1.The Special Tahsildar,
Natham Settlement,
Arakonam Taluk,
Arakkonam,
Vellore District.

2.The Deputy Superintendent of Police,
Anti-Land Grabbing Special Cell,
Vellore District,
Sathuvachari, Vellore-9.

3.A.D.Dayalan

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to survey the land and protect the second respondent to survey the property in Document No.1343/1987 dated 27.07.1987 belongs to the petitioner's family situated at Old S.F.No.298/4B, Achamanaidu Kandigai, Arakkonam Town, Vellore District.

For Petitioner : Mr.R.Krishnan

For R1 & R2 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking for a direction to the first respondent to survey the lands belonging to the petitioner and his family with police protection.

2.The learned counsel for the petitioner submitted that the petitioner and his family are the absolute owner of the property and they wanted to survey the lands. The third respondent and his sons who have no right over the property were trying to create certain documents and therefore a police complaint has been given against them and the same is pending enquiry. In the mean time, the petitioner wanted to survey the lands with the help of the first respondent. This was prevented by the third respondent with the help of his henchmen. Therefore, the present writ petition has been filed seeking for appropriate direction.

3.It is seen from the records that no representation has been made to the concerned police station seeking for police protection at the time of conducting the survey by the Tahsildar. In the absence of any such representation, this Court cannot issue any direction as sought for by the petitioner.

4.This writ petition is disposed of by giving liberty to the petitioner to give fresh representation to the Inspector of Police, Arakkonam Town Police Station, seeking for police protection at the time of surveying the land by the first respondent. On receipt of the representation, the concerned police shall conduct an enquiry and if necessary give police protection at the time when the survey is conducted by the first respondent. The first respondent at the time of conducting the survey shall do so after issuing notice to the petitioner as well as the third respondent. No costs.

03.01.2019

vsg1/ia

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking Order

NOTE: Issue order copy on 07.01.2019

To

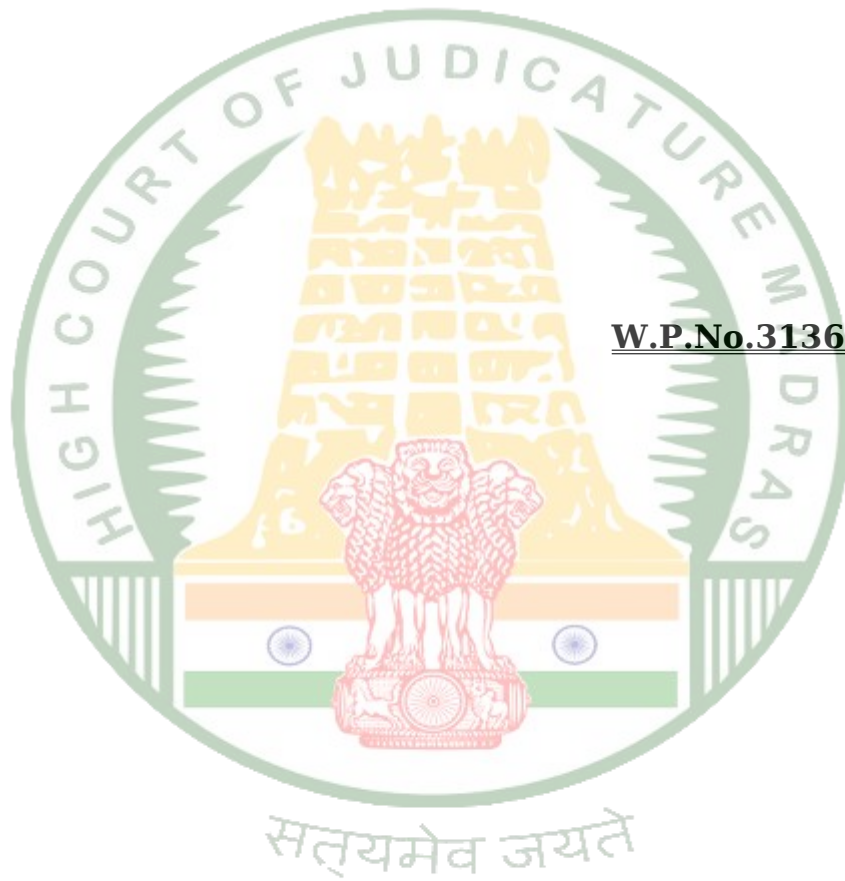
1.The Special Tahsildar,
Natham Settlement,
Arakonam Taluk,
Arakkonam,
Vellore District.

2.The Deputy Superintendent of Police,
Anti-Land Grabbing Special Cell,
Vellore District,
Sathuvachari, Vellore-9.

3.The Public Prosecutor,
High Court, Madras.

N. ANAND VENKATESH , J.

vsg1/ia



W.P.No.31367 of 2018

03.01.2019

WEB COPY