



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.21936 of 2018

A.Sadachi ... Petitioner
vs.

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Inspector of Police,
Duvarankurichi Police Station,
Trichy District.

3.The Head Surveyor,
Marungapuri Taluk,
Trichy District.

4.P.Muthu ... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to provide police protection at the time of survey the petitioner's land in sruvey No.142/1F, which is situated at Alagapuri Village, Marunkapuri Taluk, Trichy District, on the basis of the petitioner's representation dated 11.10.2018.

For Petitioner : Mr.A.MU.Sharavanan
For R1 to R3 : Mr.B.Bhagawathi
Government Advocate

O R D E R

This writ petition has been filed seeking for police protection for the purpose of conducting the survey the petitioner's land situated at S.No. 142/1F, Alagapuri Village, Marunkapuri Taluk, Trichy District.

2.The learned counsel for the petitioner would submit that the petitioner purchased the above said property from the fourth respondent by a registered sale deed dated 02.03.2016. After the purchase of the property, the name of the petitioner was also added in the joint patta. Thereafter, the petitioner wanted to survey the land with the help of the Surveyor in order to lay the boundary



stones. A writ petition was also filed before this Court in W.P. (MD) No.4358 of 2018. This Court by an order dated 01.03.2018, directed the Thasildar, to consider the representation of the petitioner and survey the property within a period of six weeks.

3.The learned counsel for the petitioner would submit that when the Thasildar came to survey the property, the fourth respondent, who had already sold the property to the petitioner caused obstruction. The learned counsel would further submit that a representation dated 11.10.2018 was submitted by the petitioner to the respondent police seeking for police protection. Since no action was taken by the respondent police, the present writ petition has been filed before this Court.

4.The learned Government Advocate on instructions would submit that the representation given by the petitioner has been received by the second respondent police.

5.It is seen from records that the petitioner had purchased the property by way of a registered sale deed from the fourth respondent. The name of the petitioner has also been added in the joint patta given by the Thasildar, Marunkapuri Taluk. Thereafter, the petitioner wanted to survey the land with the help of the Government Surveyor in order to fix the boundary stones. However, the fourth respondent has caused obstruction and therefore, the present petition has been filed seeking for police protection.

6.The fourth respondent having sold the property to the petitioner, cannot obstruct the survey to be conducted by the Government Surveyor, since the survey will be conducted only in line with the sale deed that has been executed by the fourth respondent in favour of the petitioner. The second respondent police is directed to grant police protection at the time when the survey is conducted by the Government Surveyor in the property belonging to the petitioner. The respondent police shall ensure that the fourth respondent does not cause any obstruction at the time of conducting the survey.

7.In the result, the writ petition is allowed. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS-IV)



To மேலாட்சி

WEB COPY

- 1.The Superintendent of Police,
Trichy District,
Trichy.
- 2.The Inspector of Police,
Duvarankurichi Police Station,
Trichy District.
- 3.The Head Surveyor,
Marungapuri Taluk,
Trichy District.

+1cc to Mr.A.Mu.Sharavanan, Advocate in SR No.92331

+1cc to The Spl Government Pleader, SR No.92586

W.P. (MD) No.21936 of 2018

NM/SKN/SAR IV/31.10.18/3P/6C