



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2018

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD) No.22513 of 2018

and

W.M.P.(MD) Nos.20363 & 20364 of 2018

S.Selvan

... Petitioner

-vs-

1. The Superintendent of Police,
office of Superintendent of Police,
Nagercoil-1,
Kanyakumari District.

2. The Inspector of Police,
Suchindrum Police Station,
Suchindram,
Kanyakumari District.

3. Gopuvel

4. Sugumaran

5. Surrendran @ Sugi

6. Kumar

7. Balasubramanian @ Balan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, to direct the respondents to provide adequate police protection to the petitioner and his children and family members of the petitioner to protect their life and limb and to ensure smooth and peaceful enjoyment of the land comprised in Resurvey No.21, 22 of Azhagappapuram Village, situated at Mylaudy Koondu Palam, Kanyakumari District as a lawful tenant on the basis of the representation, dated 24.10.2018.

For Petitioner : Mr.S.Balaji
for Mr.V.Arul
For R1 & R2 : Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

This writ petition is filed seeking for a writ of Mandamus directing the respondents to provide adequate police protection to the petitioner and his children and family members of the petitioner



to protect their life and limb and to ensure smooth and peaceful enjoyment of the land comprised in Resurvey Nos.21 & 22 of Azhagappapuram Village, situated at Mylaudy Koondu Palam, Kanyakumari District as a lawful tenant on the basis of the representation, dated 24.10.2018.

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2.The learned counsel appearing for the petitioner would submit that the petitioner and his sons Abel Selvan and Sugun Selvan are the lawful tenants of the land comprised in Resurvey Nos.21 & 21 of Azhagappapuram Village and that they have spent a huge amount for fencing, erecting Well, pump set, electrification and other necessary things, for irrigation. While they are in possession, on 24.10.2018 the earlier tenant, with a malafide intention, trespassed into the land and destroyed all the plants including banana trees, with the help of tractor bearing Registration No.TN-74-AL-9435 and caused mischief to an amount of Rs.25,00,000/- and that when the petitioner requested them to stop the illegal acts, they threatened him. Therefore, the petitioner preferred a complaint on 24.10.2018 against the aggressor. Whereas, the respondents 1 & 2 have not taken any action.

3.The learned Additional Public Prosecutor would submit that the matter relates to dispute with regard to land and the petitioner as well as the fourth respondent have given counter complaints against each other and enquiry is pending.

4.I have considered the submissions made on either side and perused the materials placed before this Court.

5.In view of the above, this Court directs the second respondent to enquire both parties and if any cognizable offence is made out, he shall register the case and proceed in accordance with law.

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

Sd/-
Assistant Registrar (Cr1.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

1. The Superintendent of Police,
office of Superintendent of Police,
Nagercoil-1,
Kanyakumari District.



2. The Inspector of Police,
Suchindrum Police Station,
Suchindram,
Kanyakumari District.

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+ 1 CC TO Mr.V.ARUL, ADVOCATE IN SR No. 94686
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 94443

AM

TE/BK/SAR-4 : 07/12/2018 : 3P/5C

W.P. (MD) No.22513 of 2018
09.11.2018