

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.04.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
W.P.No.4196 of 2019

Vasantha Mani

...Petitioner

-Vs-

1. The District Collector,
Namakkal District,
Namakkal.
2. The Superintendent of Police,
Namakkal District,
Namakkal.
3. The Deputy Superintendent of Police,
Thiruchengode, Namakkal District.
4. The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam, Namakkal District.
5. The Sub-Inspector of Police,
Molasi Police Station,
Namakkal District.
6. Mani @ Karuppan
7. Duraisamy
8. Sanyappan @ Subramani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 2 to 5 to offer police protection to the petitioner to cultivate/harvest the agricultural lands in Survey No.273/2 measuring an extent of 1.17 acres situated at Molasi Village, Tiruchengode Taluk, Namakkal District.

For Petitioner : Mr.T.L.Thirumalaisamy
For Respondents 1 - 5: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For Respondents 6 to 8: Mr.S.Viswanathan
for M/s Dass and Viswa Associates

ORDER

This writ petition has been filed by the writ petitioner seeking a direction directing the respondents 2 to 5 to offer police protection to the petitioner to cultivate/harvest the agricultural lands in Survey No.273/2 measuring an extent of 1.17 acres situated at Molasi Village, Tiruchengode Taluk, Namakkal District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondents 1-5 and the learned counsel for the respondents 6 to 8 and perused the materials available on record.

3. The learned counsel appearing for the petitioner submitted that the property in Survey No.273/2 measuring an extent of 1.17 acres situated at Molasi Village, Tiruchengode Taluk, Namakkal District, originally belongs to the petitioner's father property. In the meantime, all the brothers of the petitioner have gone to the extent of challenging the settlement allotted to his share and instituted a suit in O.S.No.124 of 2011 on the filed of the learned District Munsif Court, Thiruchengode and the same is pending. Subsequently, the petitioner was not allowed to harvest crops in the land. Immediately, the petitioner approached the respondent police and sought for police protection for cultivating and harvest the field. Thereafter, the petitioner approached this Court, in W.P.No.21651 of 2011 by an order dated 29.10.2011 seeking for police protection and this Court gave directions to the respondents. Again the petitioner approached the official respondents and request to offer police protection on 21.09.2018 and the same is kept pending.

4. The learned Additional Public Prosecutor submitted that the suit is pending for decree in O.S.No.124 of 2011 on the filed of the learned District Munsif Court, Thiruchengode.

5. Considering the facts and circumstances of the case, the 4th respondent/Inspector of Police is directed to consider the petitioner's representation dated 21.09.2018 and conduct an enquiry after giving an opportunity to the petitioner of personal hearing and pass appropriate orders, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msm

To

1. The District Collector,
Namakkal District, Namakkal.
2. The Superintendent of Police,
Namakkal District, Namakkal.
3. The Deputy Superintendent of Police,
Thiruchengode, Namakkal District.
4. The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam, Namakkal District.
5. The Sub-Inspector of Police,
Molasi Police Station, Namakkal District.
6. The Public Prosecutor, High Court, Madras.

+1cc to Mr.T.L.Thirumalaisamy, Advocate sr.31860
+1cc to M/s Dass and Viswa Associates, Advocate sr.32331

W.P.No.4196 of 2019

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