

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

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THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.12987 of 2014 and
M.P.No.1 of 2014

S.Natarajan

.. Petitioner

..vs..

1. The District Collector,
Namakkal District,
Namakkal.
2. The Revenue Divisional Officer,
Tiruchengode,
Namakkal District.
3. The Deputy Superintendent of Police,
Tiruchengode Sub Division,
Namakkal District.
4. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
5. Rangasamy Gounder
6. Palaniappan
7. Natesan
8. A.Madheswaran

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to give adequate police protection to the petitioner's life and immovable property measuring 8.69 acres comprised in S.No.49, Pappampalayam Village, Tiruchengode Taluk, Namakkal District by following the rule of law under Articles 21 and 300 A of the Constitution of India and take action against the respondents 5 to 8 by considering his representation dated 04.04.2014.

For Petitioner : Mr.N.Manokaran
For Respondents : Mr.M.Karthikeyan, AGP
1 to 4
For respondents : Mr.E.P.Senniayangiri
5 to 8

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to give adequate police protection to the petitioner's life and immovable property measuring to an extent of 8.69 acres comprised in S.No.49, Pappampalayam Village, Tiruchengode Taluk, Namakkal District by following the rule of law under Articles 21 and 300 A of the Constitution of India and take action against the respondents 5 to 8 by considering his representation dated 04.04.2014.

2. Learned Counsel appearing for the petitioner submitted that the petitioner has filed O.S.No.403/2013 on the file of the learned Principal District Munsif, Tiruchengode and obtained an interim order. Despite the interim order granted in favour of the petitioner, the respondents 5 to 8 disobeyed the Court order. Therefore, the petitioner has sent a representation dated 04.04.2014 to the respondents 1 to 4. Since no action has been forthcoming, the petitioner is before this Court with this Writ Petition.

3. A Counter Affidavit has been filed by the 2nd respondent.

4. Learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that based on the interim injunction granted by this Court in this Writ Petition and also considering the representation of the petitioner, a direction has already been given to the Deputy Superintendent of Police, Tiruchengode on 23.7.2014 to give proper protection to the life of the petitioner and also to take necessary steps to prevent burial of dead bodies in the petitioner's patta lands. The learned Additional Government Pleader further submitted that a direction was also given to the Tahsildar, Tiruchengode to measure the petitioner's patta land in S.F.No.49 in the presence of the petitioner and public on 24.7.2014. During that survey, the petitioner has given a statement that he has accepted the boundary of the field marked by the Tahsildar, Tiruchengode. Further, on the basis of the field survey, the public including the respondents Nos.4 to 8 were instructed by the Tahsildar not to bury dead bodies in the patta lands of the petitioner. That apart, the District Administration have not taken any steps to

change the classification of petitioner's patta land in S.F.No.49 as burial ground.

5. Recording the statement of the learned Additional Government Pleader appearing for the respondents 1 to 4, this Court is of the view that nothing survives in the Writ Petition for adjudication. Accordingly, the Writ Petition is dismissed, however, if the petitioner has got any other grievance, it is for him to work out the same before the pending civil suit. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The District Collector,
Namakkal District, Namakkal.
2. The Revenue Divisional Officer,
Tiruchengode, Namakkal District.
3. The Deputy Superintendent of Police,
Tiruchengode Sub Division, Namakkal District.
4. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

+1cc to Mr.N.Manokaran, Advocate SR.No.18515

+1cc to Government Pleader SR.No.18900

PP (CO)
GMY (20/03/2019)

W.P.No.12987 of 2014

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