

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.29638 of 2018 and
W.M.P.No.34604 of 2018

1.A.Abdul Rahman
2.W.Gouse Basha
3.P.Krishnamoorthy Chettiar
4.E.Subramaniam

... Petitioners

Versus

1.The District Collector,
Collectorate,
Tiruvannamalai District.

2.The Superintendent of Police,
District Police Office,
Tiruvannamalai.

3.The Revenue Divisional Officer,
Tiruvannamalai Town.

... Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents 1 & 3, (a) to cause exhumation of the dead bodies, if any, from the place where they were buried in the patta land belonging to the petitioners bearing.T.S.No.1826/1A1A1, T.S.No.1826/1A1A2, T.S.NO.1826/1A1B2B, T.S.No.1826/2A1A, T.S.No.1826/2A1B, (b) shift them to the burial ground earmarked for the purpose, (c) Cause demolition of the small tomb like structures if any therein, (d) Further directing the 2nd respondent to provide necessary police protection to the officials who will be carrying out the said task, (e) Directing the 2nd respondent Superintendent of Police, Tiruvannamalai to extend police protection so as to enable the petitioners to put up the compound wall in the property with the help of workers at their (petitioners) expense having regard to the report and sketch filed by the surveyor dated 12.06.2018.

For Petitioners : Mr.Haja Nazirudeen, Senior Counsel
for Mr.R.Tholgappan

For R1 & R3 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed to direct the 2nd respondent Police to give police protection to enable the petitioners to put up the compound wall in the properties owned by them.

2.According to the petitioners, they owned the lands in bearing Nos.T.S.No.1826/1A1A1, T.S.No.1826/1A1A2, T.S.No.1826/1A1B2B, T.S.No.1826/2A1A and T.S.No.1826/2A1B situated at Tiruvannamalai District and they are in continuous possession of the said properties. The learned counsel for the petitioners would state that for putting up a compound wall, the petitioners along with land surveyor visited their properties for demarcation. At that time, they were prevented from entering into their property by some third parties. Hence, the 1st petitioner sent a representation to the 3rd respondent to construct compound wall in the scheduled property.

3.Considering the limited prayer sought by the petitioners, without going to the merits of this case, the 3rd respondent is directed to consider the representation of the petitioner dated 19.07.2018 and in view of the earlier order passed by this Court in W.P.No.7577 of 2014 dated 10.03.2015 and also consider the Revenue authorities are in favour of the petitioners and pass 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.

4.With the above said direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The District Collector,
Collectorate,
Tiruvannamalai District.

2.The Superintendent of Police,
District Police Office,
Tiruvannamalai.

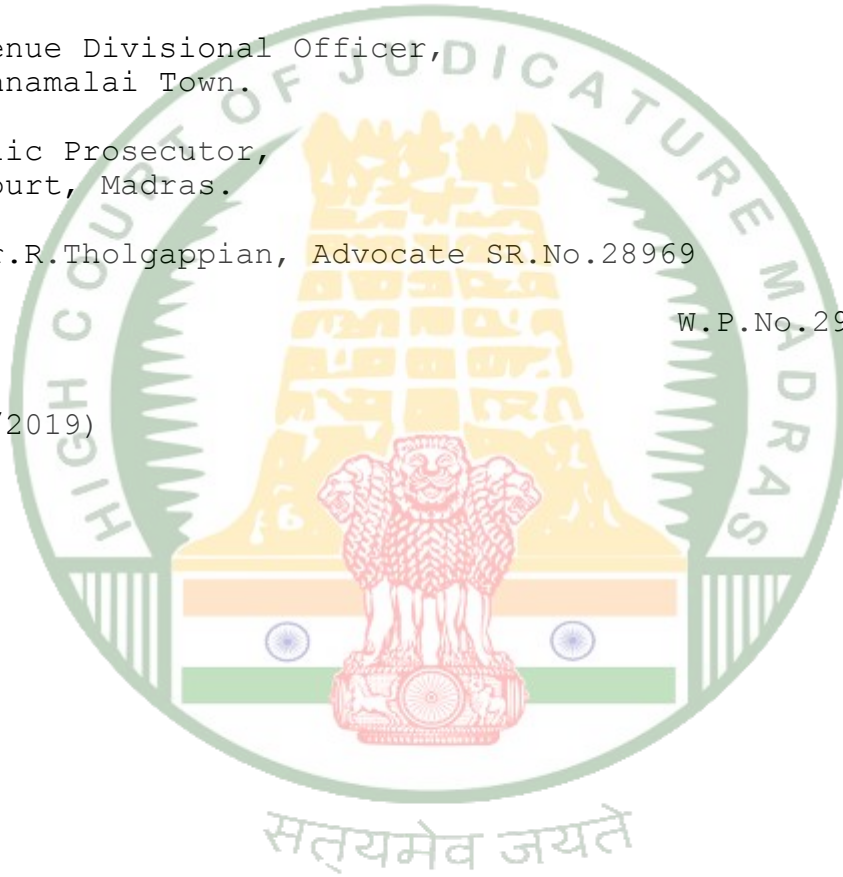
3.The Revenue Divisional Officer,
Tiruvannamalai Town.

4.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.R.Tholgappian, Advocate SR.No.28969

W.P.No.29638 of 2018

JP (CO)
GMY (29/04/2019)



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