



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.09.2019
CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

WEB COPY

W.P.(MD)No.16744 of 2019

Mujibur Rahman

... Petitioner

Vs.

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

2.Tahsildar,
Periyakulam Taluk,
Theni District.

3.The Inspector of Police,
Jeyamangalam Police Station,
Theni District.

4.The Surveyor,
Periyakulam Taluk,
Theni District.

5.Abdul Ajees

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 herein to provide adequate police protection to survey the petitioner's land in Survey No.1834/2C situated at Kullapuram Village, Periyakulam Taluk, Theni District, based on the petitioner's representation dated 18.07.2019, within a stipulated time fixed by this Court.

For Petitioner : Mr.T.Veerakumar

For R1 to R4 : Mr.R.Anandharaj
Additional Public Prosecutor

For R5 : Mr.R.Senthilkumar



O R D E R

This Writ Petition has been filed to direct the respondents 1 to 3 herein to provide adequate police protection to survey the petitioner's land in Survey No.1834/2C situated at Kullapuram Village, Periyakulam Taluk, Theni District, based on the petitioner's representation dated 18.07.2019.

2. The learned counsel for the petitioner would submit that the petitioner purchased a land in Survey No.1834/2C situated at Kullapuram Village, Periyakulam Taluk, Theni District. From the date of purchase he is in peaceful possession and enjoyment of the said property. Infact, he also obtained patta in his name. While being so, to protect his land from the neighbouring land owners he wanted to survey the land. Therefore, he paid a requisition fee to the second respondent to survey his land. The 5th respondent raised serious objection to survey the petitioner's land. He also threatened him and surveyor with dire consequence. Therefore, he lodged a complaint on 18.07.2019 as against the 5th respondent seeking adequate police protection to survey his land.

3. The learned Additional Public Prosecutor appearing for the respondents 1 to 4 would submit that if any surveyor seeks permission to survey the petitioner's land, the third respondent is ready to consider the same in accordance with law.

4. Heard Mr.T.Veerakumar, the learned counsel appearing for the petitioner, Mr.R.Anandharaj, the learned Additional Public Prosecutor appearing for the respondents 1 to 4 and Mr.R.Senthilkumar, the learned counsel appearing for the fifth respondent.

5. The petitioner purchased a land and he wanted to survey the same. A perusal of records shows that he also paid requisition fee to the second respondent to survey his land comprised in Survey No.1834/2C situated at Kullapuram Village, Periyakulam Taluk, Theni District. It is also seen that the 5th respondent has objected the same and as such he lodged a complaint before the third respondent police and sought for adequate police protection to survey his land.

6. Admittedly, the petitioner has also paid a requisition fee to the second respondent to survey his land. On such request, the second respondent engaged surveyor to survey the petitioner's land. The 4th respondent herein faces any objection while surveying the petitioner's land, he can seek the adequate police protection from the 3rd respondent herein. On such request, the third respondent is directed to consider the same after conducting enquiry on the petitioner's representation dated 18.07.2019, after issuing notice to all the rival parties and provide adequate police protection to the surveyor to survey the petitioner's land.



7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CO)

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/TRUE COPY/

Sub Assistant Registrar

dss

To

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

2.Tahsildar,
Periyakulam Taluk,
Theni District.

3.The Inspector of Police,
Jeyamangalam Police Station,
Theni District.

4.The Surveyor,
Periyakulam Taluk,
Theni District.

+1 CC to M/s.T. VEERA KUMAR, Advocate (SR-90937[F] dated 03/10/2019)

W.P. (MD) No.16744 of 2019

30.09.2019

JM/18.10.2019/3P/6C