

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.9663 of 2020

S.Sarojini

...Petitioner

Vs.

1.The Deputy Superintendent of Police,
Kangayam, Tiruppur District.

2.The Inspector of Police,
Kangayam Police Station,
Tiruppur District.

3.The Tashildar,
Kangayam Taluk Office,
Kangayam,
Tiruppur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 19.06.2020 and to provide police protection to fence the land of the petitioner situated in S.No.78/1C at Marudurai Village, Kangayam Taluk, Tiruppur District to the extent of 62 cents which was surveyed and laid boundary stone as per the orders of this Hon'ble Court passed in W.P.No.6989 of 2020 dated 18.03.2020.

For Petitioner: Mr.S.Elangovan

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

ORDER

This writ petition has been filed seeking directions to the respondents to consider the petitioner's representation dated 19.06.2020 and to provide police protection to fence the land of the petitioner situated in S.No.78/1C at Marudurai Village, Kangayam Taluk, Tiruppur District to the extent of 62 cents which was surveyed and laid boundary stone as per the orders of this Hon'ble Court passed in W.P.No.6989 of 2020 dated 18.03.2020.

2. The learned counsel for the petitioner submitted that the petitioner is a widow and she was issued assignment patta in respect of the disputed property in the year 1996. Thereafter, the petitioner did not occupy the said land and as such she wanted to survey the land to remark the boundary and she also filed W.P.No.6989 of 2020 before this Court, and this Court by order dated 18.03.2020, directed the Tahisildar concerned to survey the land and also if sought permission for police protection that may be considered. Thereafter, the petitioner's land was surveyed after issuing notice to the surveyor and the property comprised in survey No.78/1C and situated at Marudurai Village, Kangayam Taluk, Tiruppur Distric. Again, she lodged the complaint seeking police protection to her property and to fence the same.

3. The learned counsel appearing for the objector namely Mr.Dhamodharan, submitted that the petitioner without impleading the counter party who objects to survey the land and claiming ownership over the said property filed this petition. He further submitted that the objected counter parties' predecessors already filed Suit in O.S.No.1176 of 1979 before the District Munsif Court, Dharapuram and the same was decreed in his favour by the judgement and decree dated 07.11.1981 as against the revenue officials. Unfortunately, in the year 1996, the part of the land belonging to the counter party has been assigned in favour of the petitioner herein. Even then, the counter party is in enjoyment of the said property and the petitioner never being in possession of the said property. Conveniently, the petitioner without impleading the counter party before this Court obtained order behind his back. Now also again filed this petition without impleading the counter party seeking police protection and sought for dismissal of the direction petition.

4. The learned Additional Public Prosecutor submitted that on receipt of the complaint dated 19.06.2020 the complaint has been forwarded to the 2nd respondent to find out the original owner of the property and the enquiry is pending before the 2nd respondent.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

6. Admittedly, there is a counter party by name one Dhamodharan and there is a ownership dispute in respect of the said disputed property. The second respondent also forwarded the complaint received from the petitioner dated 19.06.2020 to the file of the 3rd respondent herein for conducting enquiry.

7. Considering the above submission the third respondent is directed to conduct enquiry on the assessment patta issued by the respondent in favour of the petitioner as well as the counter party. After issuing notice and also after giving opportunity of hearing and pass orders on merits in accordance with law within a period of four weeks from the date of receipt of copy of the order. Therefore, in the mean while the police protection sought for by the petitioner cannot be granted.

8. With the above observations, this Writ Petition is disposed of. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Deputy Superintendent of Police,
Kangayam, Tiruppur District.
- 2.The Inspector of Police,
Kangayam Police Station,
Tiruppur District.
- 3.The Tashildar,
Kangayam Taluk Office,
Kangayam,
Tiruppur District.

+1 CC to Mr. Doraisamy, Advocate sr 25322.

+1 CC to Mr. Manokaran, Advocate sr 25452.

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MG(CO)
SP(08/10/2020)