

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14509 of 2020
(Heard Through VC)

A.Ramani

..Petitioner

Vs.

1. The Joint Commissioner,
Law and Order,
Egmore Police Station,
Egmore, Chennai 600 008.
2. The Deputy Commissioner,
Law and Order,
Kilpauk Police Station,
Kilpauk, Chennai 600 010.
3. The Assistant Commissioner,
Department of Law and Order,
Kilpauk Police Station,
Kilpauk, Chennai 600 010.
4. The Inspector of Police,
G-7 Police Station,
Chetpet, Chennai 600 031.
5. The Tahsildhar,
Egmore Taluk,
Egmore, Chennai 600 008

..Respondents

सत्यमेव जयते

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to provide police protection to the 5th respondent whilst performing the duties in Arulmigu Kaukathamman Temple, represented by the petitioner herein for survey of the property situated at Survey No.443/1, 443/13, 443/14 and 443/17, Egmore, Egmore-Nungambakkam Taluk, Madras District.

* * *

For Petitioner	: Mr.V.Raghavachari
For Respondents	: Mr.V.Shanmugasundar Spl.Govt.Pleader

ORDER

With the consent of the learned counsel for the petitioner and the learned Government Advocate for the respondents, this writ petition is taken up for final hearing.

2. The Writ Petition is filed seeking a mandamus to direct the respondents 1 to 4 to provide police protection to the respondent-5 whilst performing the duties in Arulmigu Kautathamman Temple, represented by the petitioner herein for survey of the property situated at Survey No.443/1, 443/13, 443/14 and 443/17, Egmore, Egmore-Nungambakkam Taluk, Madras District.

3. The petitioner is the Executive Officer of Arulmigu Karukathamman Temple. According to the petitioner, since the possession of the temple lands rests with encroachers, it has to be surveyed and the boundaries have to be determined by the land surveyors. Hence, the petitioner has approached the respondents and sought for police protection for the purpose of measuring the land and determining the illegal encroachments and also made multiple representations to the Joint Commissioner, H.R & C.E and the respondents herein. However, till date, no steps were taken on the representations given by the petitioner. In support of her contentions, the petitioner relied on a decision of this Court in W.P.(MD)No.14428 of 2017 dated 12.02.2018 [P.Lakshmanan -vs- The Superintendent of Police, Sivagangai District, Sivagangai and others], wherein, it has been held that the temple lands are not to be encroached and the police protection shall be provided to enable the land surveyors to survey and measure the land.

4. A counter affidavit has been filed by the fifth respondent, Tahsildar, Egmore Taluk, Chennai, in which, in paragraph 11, it is stated that the fourth respondent would do necessary survey of the properties mentioned above, with police protection and help the H.R & C.E Department by all means to retrieve the land belongs to H.R. & C.E Department. It is also further stated that, already, the fourth respondent/Inspector of Police, G-7 Police Station, Chetpet, Chennai has agreed to co-operate in the process of survey, as and when a request is made by the fifth respondent.

5. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

6. As already the respondents 4 and 5 have agreed for the police protection, that is, now sought for by the petitioner,

nothing further remains to be adjudicated in this matter. However, it is pointed out that the petitioner has to bear the charges for survey of the land, which was revised on 21.07.2020 in G.O.Ms.No.370.

7. Accordingly, the petitioner is directed to pay the survey charges, less the amount already paid, if any, subject to validity for the period, for which she has already made the payment or pay afresh and get the lands surveyed.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Joint Commissioner,
Law and Order,
Egmore Police Station,
Egmore, Chennai 600 008.
2. The Deputy Commissioner,
Law and Order,
Kilpauk Police Station,
Kilpauk, Chennai 600 010.
3. The Assistant Commissioner,
Department of Law and Order,
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4. The Inspector of Police,
G-7 Police Station,
Chetpet, Chennai 600 031.
5. The Tahsildhar,
Egmore Taluk,
Egmore, Chennai 600 008.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.35970

W.P.No.14509 of 2020

SV(CO)
RV(04/12/2020)