



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2020

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

W.P. (MD)No.9692 of 2020

R.Anbazhagan

... Petitioner

Vs

1.The District Collector,
Thanjavur District.

2.The Superintendent of Police,
Thanjavur District.

3.The Inspector of Police,
Thirukattupalli Police Station,
Thirukattupalli.

... Respondents

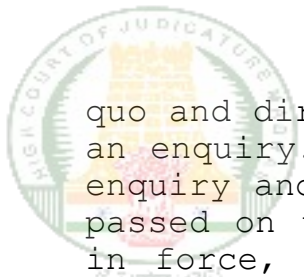
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to provide police protection for the petitioner and his men for continuous cultivating , harvesting and cutting , the crops standing in the lands in Survey No.174A/1B1 and 174A/1B4 in Putharayanallur Village , Thanjavur Taluk , Thanjavur District by considering petitioner's representation dated 13/07/2020 .

For Petitioner : Mr.A.R.L.Sundarajan
Senior Counsel
for Mr.A.Sivasubramanian

For Respondents : Mr.M.Chandra Sekar
Additional Public Prosecutor

ORDER

On the side of the petitioner, it is stated that the petitioner purchased the property, which was originally allotted to a Soldier in the year 1932. After, that the property was transferred to somany other persons and lastly the petitioner had lastly purchased the property and is cultivating the same. A Public Interest Litigation was filed by one Gajendhiran, seeking a direction to vacate the petitioner under the guise of restoring a water body. Thereafter, a review application, in Review Application (MD)No.43 of 2018, was filed by the petitioner, this Court has ordered status



quo and directed the first respondent/ District Collector to conduct an enquiry. The first respondent / District Collector conducted an enquiry and the petitioner appeared for the enquiry. No order was passed on the basis of the enquiry. When the status quo order was in force, some private persons interfere in the possession of the petitioner. Hence, a criminal case was filed against them. Every day, somebody or other from that area interfere in the possession of the petitioner and the petitioner request police protection.

2. The learned Additional Public Prosecutor appeared on behalf of the respondents.

3. On the side of the prosecution, it is stated that a case was already registered in Crime No.44 of 2020, for the offence under Sections 147, 294(b), 341, 323 and 506(i) I.P.C. against five persons and all the five persons are claiming the property as their own.

4. On the side of the petitioner, it is stated that not only the particular five persons, but, also somany others are interfering in the possession of the petitioner continuously and hence, he seeks for police protection.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It is seen that in the PIL petition filed by one Gajendhiran, this Court in W.P.(MD)No.17868 of 2018 has passed an order, on 11.08.2018, directing the District Collector to remove encroachments. Thereafter, the petitioner herein filed a Review Application in Review Application (MD)No.43 of 2018 and this Court, by its order dated 25.10.2018, has ordered status quo in favour of the petitioner. Hence, protecting the right of the petitioner is necessary.

7. Until the status quo order is valid, the respondents 2 and 3 are directed to provide police protection to the petitioner as and when required by him.

8. The Writ Petition is allowed. No costs.

Sd/-

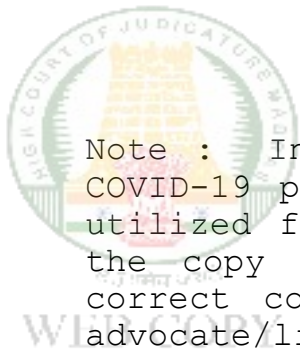
Assistant Registrar (A.S)

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/ /2020

Sub Assistant Registrar(CS)

Ls



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Thanjavur District.
2. The Superintendent of Police,
Thanjavur District.
3. The Inspector of Police,
Thirukattupalli Police Station,
Thirukattupalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CS (03.09.2020) 3P 5C