



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

W.P. (MD)No.11217 of 2020

V.Subramanian

... Petitioner

Vs.

- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.
- 3.The Inspector of police,
Kandavarayanpatti Police Station,
Sivagangai District.
- 4.The Head Surveyor,
Thirupathur Taluk Office,
Thirupathur Taluk,
Sivagangai District.

5.Karu.Chinnaiah

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 3 herein to give adequate police protection to survey the petitioner's land in Survey No.295/1B and 292/1D comprising in Patta No.373 and in Survey Nos.292/12 and 293/4 comprising in Patta No.880, situated at Vaiyakalathur Village, Thirupathur Taluk, Sivagangai District, based on the petitioner's representation dated 26.08.2020, within a stipulated time fixed by this Court.

For Petitioner	:	Mr.T.Veerakumar
For R-1 to R-4	:	Mr.S.Chandrasekar
		Additional Public Prosecutor

ORDER

The present writ petition has been filed for issuance of writ of mandamus directing the respondents 1 and 3 herein to give adequate police protection to survey the land in Survey No.295/1B and 292/1D comprising in Patta No.373 and in Survey Nos.292/12 and 293/4 comprising in Patta No.880, situated at Vaiyakalathur Village, Thirupathur Taluk, Sivagangai District, based on the petitioner's representation, dated 26.08.2020, within a stipulated period as fixed by this Court.



2.The grievance of the petitioner is that the he is the owner of the land in respect of the survey number mentioned as above. For the past several years, the petitioner alone cultivated the said land and he is enjoying the same. Due the sessional change, the animals came from neighbouring area and damaged the standing crops which were cultivated by the petitioner in his land. Therefore, the petitioner is decided to fence the land in order to protect the crops. Since the four boundaries of the land, belong to the petitioner are not in good shape, he is unable to locate the boundaries as of now. In the said circumstances, on 21.08.2020, he preferred an application to the second respondent to survey the land in order to find out the boundaries for which necessary fee has also been paid. When at the time the fourth respondent visited to the land for the purpose of identifying the boundaries, the fifth respondent who is neighbour of his land, threatened the fourth respondent and prevented the process of survey without any reason. Therefore, adequate police protection to survey the land, is necessary for which the petitioner has given a representation, dated 26.08.2020, to the third respondent.

3.The learned Additional Public Prosecutor appearing for the respondents 1 to 4, on instructions, would submit that upon receipt of the representation given by the petitioner, the third respondent herein initiated an enquiry in C.S.R.No.88 of 2020 and the same is pending.

4.Upon considering the arguments advanced by either side, being the owner of the land, the petitioner is having the right to measure the same with the help of fourth respondent. However since the fifth respondent claiming the same property as his own, it is appropriate to direct the third respondent to conduct the enquiry specifically, after affording opportunity to the fifth respondent. During the time of enquiry, if it is found the petition mentioned land belongs to the petitioner, the third respondent is directed to give necessary protection to the fourth respondent and to the petitioner, for measuring the land. The said process is directed to be completed within a period of two weeks from the date of receipt of a copy of this order.

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

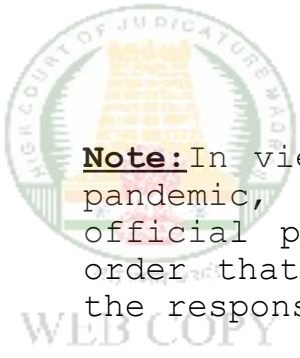
Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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 Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Thirupathur Taluk,
Sivagangai District.
- 3.The Inspector of police,
Kandavarayanpatti Police Station,
Sivagangai District.
- 4.The Head Surveyor,
Thirupathur Taluk Office,
Thirupathur Taluk,
Sivagangai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD)No.11217 of 2020
09.09.2020

SJ(CO)
AP(23/09/2020) 3P 6C