

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3255 of 2021

B.Thilagarasi

... Petitioner

Vs.

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

2.The Tahsildar,
Kangayam Taluk,
Tiruppur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the 1st respondent to give police protection to the 2nd respondent and his subordinates to conduct a land survey in the presence of the parties concerned, so as to fix the boundaries between R.S.Nos.185/3 and 185/2G, Marudurai Village, Kangayam Taluk, Tiruppur District by considering the petitioner's representation dated 18.01.2021.

For Petitioner :Mr.N.Manokaran

For Respondents :Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

This writ petition has been filed for issuance of writ of Mandamus directing the first respondent to give police protection to the second respondent in order to survey the subject property and to fix the boundaries.

2. It is seen from the records that the petitioner had approached the second respondent and filed an application for surveying the subject property and to fix the boundaries. The petitioner also remitted the necessary charges. The further case of the petitioner is that the survey was conducted in the presence of the petitioner and one Muthusamy on 24.12.2020. According to the petitioner, the said Muthusamy along with some others removed the boundary stones and thereafter gave a representation to the second respondent to conduct a fresh survey. The petitioner also made a representation to the second respondent to conduct a re-survey in the presence of both the petitioner and Muthusamy and to

fix the boundary stones based on the title documents of the parties. Since the the petitioner apprehended that there may be some resistance, a representation was made to the first respondent seeking for police protection. Since the same was not acted upon, the present writ petition is filed seeking for appropriate directions.

3. I heard Mr.N.Manokaran, the learned counsel for the petitioner and Mr.M.Mohamed Riyaz, the learned Additional Public Prosecutor for the 1st Respondent.

4. Taking into consideration the facts and circumstances of the case and also the specific stand taken by the petitioner that the survey can be conducted and the boundary stones can be fixed in the presence of the petitioner and the above said Muthusamy, there shall be a direction to the second respondent to intimate the first respondent police the date of survey and on such intimation, the first respondent shall provide sufficient protection to enable the process of survey to be conducted in a smooth manner without giving rise to any law and order problem. The petitioner is directed to make a fresh representation to the respondents along with a copy of this order.

This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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

2.The Tahsildar,
Kangayam Taluk,
Tiruppur District.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Manokaran, Advocate SR.9101

W.P.No.3255 of 2021

MGR(CO)
CB(09/03/2021)

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