

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.5800 of 2021

Purushothaman,
S/o.Nadesan Gounder

.. Petitioner

-vs-

1.The Station House Officer,
Thirukanur Police Station,
Puducherry.

2.The Surveyor,
Villianur Taluk Officer,
S Car Street, Villianur,
Puducherry.

3.Vijayan, S/o. Nadesan Gounder

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the first respondent to give Police protection to the second respondent when he undertakes to measure the property measuring an extent of 1224 sq.ft. Being 02 Kuzhies 02 Veesam, Chettipet Village, Manadipet Commune Panchayat Union, comprised in Re-survey No.113/132 and Cadaser No.478 Part within the Sub-Registration District of Thirukanurand.

For Petitioner : Mr.R.Shreedhar

For Respondents : Mr.V.Balamurugane,
Additional Public Prosecutor
(Puducherry)

ORDER

This writ petition has been filed for a direction to the first respondent police to provide police protection in order to enable the Government Surveyor to measure the subject property.

2. The case of the petitioner is that his wife purchased the subject property by virtue of a registered sale deed

dated 02.07.1999. She wanted to convey the said property to some third party and hence, she wanted the property to be surveyed to determine the actual extent of the property and to see if it tallied with the same measurement as found in the sale deed. A representation was also made to the second respondent and necessary fees was also paid.

3. When the Surveyor came to the subject property to measure the property, the same was resisted by the third respondent who is the brother of the petitioner on the ground that the petitioner is attempting to measure one portion of the property and create a fake document. The Surveyor immediately stopped the survey work. The petitioner made a complaint before the first respondent requesting for police protection in order to enable the Surveyor to measure the property. Since the same was not considered, the present writ petition has been filed before this Court.

4. Heard Mr.R.Sreedhar, Learned counsel for the petitioner and Mr.V.Balamurugane, learned Additional Public Prosecutor for the respondents.

5. The learned Additional Public Prosecutor on instructions submitted that based on the complaint given by the petitioner, an enquiry was conducted by the respondent police. The learned counsel further submitted that there is no threat or any major incident that had taken place as sought to be projected by the petitioner. The Surveyor on being questioned by the respondent, merely left the subject property. The Additional Public Prosecutor further submitted that as and when the Surveyor makes a request for police protection in order to measure the subject property, the police will extend their co-operation and will ensure that the public servant is allowed to perform his function.

6. Taking into facts and circumstances of the case and also the specific stand that has been taken by the respondent police, it is always open to the second respondent namely, the Surveyor to conduct the survey in the subject property and if there is any resistance or any threat is exerted, it is left open to the second respondent to seek for police protection and the first respondent shall act upon the same.

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

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Station House Officer,
Thirukanur Police Station,
Puducherry.

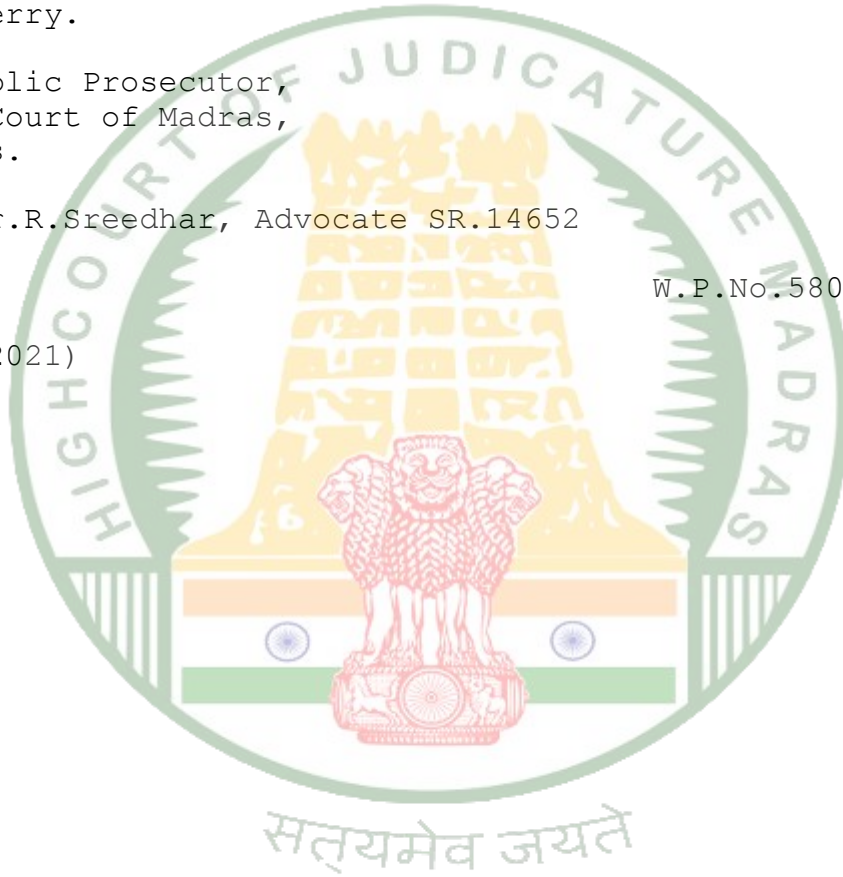
2.The Surveyor,
Villianur Taluk Officer,
S Car Street, Villianur,
Puducherry.

3. The Public Prosecutor,
High Court of Madras,
Madras.

+lcc to Mr.R.Sreedhar, Advocate SR.14652

W.P.No.5800 of 2021

GPL(CO)
CB(29/03/2021)



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