

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2021

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7870 of 2021

S.Malliga,

.. Petitioner

Vs.

1.The Superintendent of Police,
Salem District,
Salem.

2.The Deputy Superintendent of Police,
Vazhapadi,
Salem District.

3.The Inspector of Police,
Ethappur Police Station,
Salem District.

4.The Tahsildar,
Pethanaickanpalayam Taluk Office,
Salem District.

5.P.Gnanasekar.

.. Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents 1 to 3 to provide police protection to survey and construct the compound wall of the petitioner's land situated in survey Nos.100/3A, 100/3B2 to the extent of 0.22.00 Hec and 0.12.55 Hec situated at Chinnasamudhram Village, Pethanaickanpalayam, Salem District.

For Petitioner : Mr.V.Elangovan
For RR1 to 4 : Mr.C.Raghavan,
Government Advocate

ORDER

This writ petition has been filed for the issue of Writ of Mandamus, directing the respondent Police and provide police protection at the time of conducting survey in the subject property by the fourth respondent.

2. Heard Mr.V.Elangovan, learned counsel appearing on behalf of the petitioner and Mr.C.Raghavan, learned Government Advocate appearing on behalf of the respondents 1 to 4.

3.It is seen from records that the petitioner is claiming right and title over the subject property by virtue of a registered sale deed in D.No.2491/1999. The further case of the petitioner is that the patta has also been granted in her favour in Patta Nos.4866 and 5080. It is stated that even electricity connection was given in the name of the petitioner.

4.The petitioner requested the fourth respondent to conduct a survey in the subject property and to mark the boundary stones. This was resisted by the fifth respondent. Hence, a complaint was given before the respondent police and the fifth respondent appeared before the respondent Police and made a submission that the Surveyor can survey the property of the petitioner as well as the fifth respondent, based on the title documents.

5.The grievance of the petitioner is that in spite of giving such an undertaking, the fifth respondent is once again causing threat and resisting the survey when it was conducted by the fourth respondent. Left with no other option, the present writ petition has been filed before this Court.

6.Taking into consideration the facts and circumstances of the case, the fourth respondent is directed to fix a date for conducting the survey in the subject property. It is left open to the fifth respondent to be present at the time of survey. If the fifth respondent causes any threat or resists at the time of survey, it is left open to the fourth respondent to seek for police protection to the third respondent and the third respondent shall provide necessary police protection.

7.The petitioner is directed to make a fresh representation to the fourth respondent along with a copy of all the relevant documents and also a copy of this order and a copy of the representation shall also be marked to the third respondent.

8. This writ petition is disposed of with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

To

1.The Superintendent of Police,
Salem District, Salem.

2.The Deputy Superintendent of Police,
Vazhapadi, Salem District.

3.The Inspector of Police,
Ethappur Police Station,
Salem District.

4.The Tahsildar,
Pethanaickanpalayam Taluk Office,
Salem District.

5.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Doraisamy, Advocate Sr.No. 20217

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EV(CO)
RMP(08/04/2021)



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