

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

W.P.No.9130 of 2021

R.Ayyakannu

... Petitioner

vs.

1.The Tahsildar,
Chinna Salem Taluk,
Kallakurichi District.

2.The Deputy Superintendent of Police,
Kallakurichi.

3.The Sub Inspector of Police,
Keezhkuppam Police Station,
Kallakurichi District.

.... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 2 and 3 to provide adequate police protection to the first respondent officials viz., the Surveyor so as to enable him to measure and ear-mark the land belonging to the petitioner, measuring an extent of 0.29.00 hectares, comprised in Survey No.213/11 situated at Koogaiyur Village, Chinna Salem Taluk, Kallakurichi District.

For Petitioner : Mr.S.Mani

For Respondents : Mr.M.Elumalai

Additional Government Pleader

O R D E R

This Writ Petition has been filed for issue of Writ of Mandamus directing respondents 2 and 3 to provide adequate police protection to the first respondent officials viz., the Surveyor, so as to enable him to measure and ear-mark the subject property.

2.The case of the petitioner is that he is an agriculturist and permanent resident of Koogaiyur Village. He is the absolute owner of the ''B'' Scheduled property measuring to an extent of 0.29.00 hectares comprised in Survey No.213/11 situated at Koogaiyur Village, Chinna Salem Taluk, Kallakurichi District, by

virtue of partition deed dated 21.08.1992 vide Document No.1895 of 1992. As per the partition deed the petitioner and his family members are enjoying their respective shares. Subsequently, the petitioner made an application to the first respondent/Tahsildar on 27.10.2020 to measure the land and mark the boundaries comprised in S.No.213/11. The first respondent by his letters dated 02.12.2020 and 03.12.2020, requested the respondents 2 and 3 to provide adequate police protection, since the adjoining land owners, who are none other than the petitioner's brothers are objecting and prevented the Surveyor to measure the land on 07.12.2020. Despite receipt of the letters, no action was taken, hence, this Writ Petition.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and also perused the materials available on record.

4.It is seen from the records, the first respondent viz., The Tahsildar, Chinna Salem Taluk, Kallakurichi District by his letter dated 02.12.2020 and 03.12.2020 requested the respondents 2 and 3 to provide adequate police protection to survey the land in S.No.213/11 and the same was kept in abeyance.

5. In the light of the above facts, this Court is inclined to direct the respondents 2 and 3 to provide adequate police protection to the surveyor to conduct the survey in the subject property.

With the above direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ms

To

1.The Tahsildar,
Chinna Salem Taluk,
Kallakurichi District.

2.The Deputy Superintendent of Police,
Kallakurichi.

3.The Sub Inspector of Police,
Keezhkuppam Police Station,
Kallakurichi District.

4.The Public Prosecutor,
High Court, Madras.

W.P No.9130 of 2021

JP II(CO)
GN(04/06/2021)



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