



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.25495 of 2021

and

W.M.P.No.26924 of 2021

1.U.S.Modi,

**Son of Shivaprasad Modi,
No.98/99, Luz Church Road,
Mylapore, Chennai - 600 004.**

2.Gita Modi,

**Wife of U.S.Modi,
No.98/99, Luz Church Road,
Myalpore, Chennai - 600 004.
Represented by their Power of Attorney,
Agent Mr.V.Krishnakumar,
Son of K.N.Viswanathan,
No.6, Third Main Road,
C.I.T.Nagar (East), Nandanam,
Chennai - 600 035.**

...Petitioners

Versus

**1.The Superintendent of Police,
Chengalpattu District.**

**2.The Deputy Superintendent of Police,
Mamallapuram,
Chengalpattu District.**

**3.The Inspector of Police,
Kalpakkam Police Station,
Chengalpattu District.**

**4.The Sub Inspector of Police,
Kuvathur Police Station,
Chengalpattu District.**

... Respondents

PRAYER: Writ Petition filed under Article 226 Constitution of India, to issue a Writ of Mandamus directing the respondents to render police protection to the petitioner to put up a compound wall around the land comprised in Survey No.*611/3B1A measuring ** 3.92 Acres in Thenpattinam Pudhunadukuppam Village (Mugaiyur



Revenue Village and Post), Cheyyur Taluk, Kancheepuram District (presently Chengalpattu District) as requested for in the representation of the petitioner dated 12.10.2021.

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For Petitioners : Mr.M.Elumalai
For Respondents : Mr.R.Vinothraja
Govt. Advocate (Crl.Side)

ORDER

This Writ Petition has been filed to direct the respondents to render police protection to the petitioners to put up a compound wall around the land comprised in Survey No.*611/3B1A measuring **3.92 Acres in Thenpattinam Pudhunadukuppam Village (Mugaiyur Revenue Village and Post), Cheyyur Taluk, Kancheepuram District (presently Chengalpattu District) as requested in the representation of the petitioner dated 12.10.2021.

2.According to the petitioners, they are the owners of a property to an extent of **3.92 acres in Thenpattinam Pudhunadukuppam Village (Mugaiyur Revenue Village and Post), Cheyyur Taluk, Kancheepuram District (presently Chengalpattu District). They proposed to put up a compound wall in the available open area in Survey No.611/3B1A measuring an extent of **3.92 acres in Thenpattinam Pudhunadukuppam Village (Mugaiyur Revenue Village and Post), Cheyyur Taluk, Kancheepuram District (presently Chengalpattu District). The reasons for their apprehension is that earlier, when the revenue officials had proposed to visit, measure and survey the land, based on the order of this Court in W.P.No.7273 of 2018, the Village Administrative Officer, Mugaiyur was obstructed and he has sent a report. Thereafter, the Tahsildar, Cheyyur Taluk had visited the place on 20.06.2018. At that time, there was some commotion and objections. Thereafter, the Panchayat was held and it was decided that survey could be done after ten days. On 29.06.2018, the position did not improve and again there were objections. There was also some demand by the villagers seeking some special facilities, which was later considered and finally on 05.07.2018, the survey was conducted and in which, it was found that out of the total extent of 3 acres 27 cents, 55 Tsunami houses were constructed, one hut and one tiled house and totally 57 houses found, remaining 3 acres and 31 cents were vacant. In this vacant place, the petitioner now proposed to put up the compound wall. Due to the resistance faced even by the revenue officials, the petitioners apprehend that unless proper police protection is provided, the construction of the compound wall cannot be made.



3. The learned counsel appearing for the petitioner would submit that the petitioners had sent a representation on 12.10.2021 to the respondents herein and the same was received by the respondents. But, no action has been taken by the respondents. Hence, the present writ petition.

4. Mr.R.Vinotharaja, learned Government Advocate (Crl.Side), appearing for the respondents would submit that in the representation of the petitioners dated 12.10.2021, the petitioners had stated that they are yet to commence the construction activities, they only apprehend such fear of obstruction. In the event of petitioners work being objected, the respondent police would give proper protection to put up the construction and safeguard their property from encroachment, which they are legally entitled to. The police as well as the revenue will give proper protection, the necessary fees, if any, to be paid by the petitioners.

5. In view of the above, the petitioners are directed to submit a copy of the representation dated 12.10.2021 along with a copy of this order to the respondents 1 to 4 within a period of two weeks from the date of receipt of copy of this order and thereafter, shall commence the construction of compound wall and complete the same within a period of two weeks.

6. Accordingly, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)
Dated:14/12/2021

**(*)corrected as per order
dated 05/01/2022 made in W.P.No.25495 of 2021
Sd/-
Assistant Registrar (CS-III)
Dated:12/01/2022**

() corrected as per
order of this court made in W.M.P.No.10216 of 2022
in W.P.No.25495 of 2021 dated 28/04/2022
Sd/-
Assistant Registrar (CS-III)
Dated:29/04/2022**

//True Copy//

Sub Assistant Registrar

sp / ssd



To

1.The Superintendent of Police,
Chengalpattu District.

2.The Deputy Superintendent of Police,
Mamallapuram,
Chengalpattu District.

3. The Inspector of Police,
Kalpakkam Police Station,
Chengalpattu District.

4. The Sub Inspector of Police,
Kuvathur Police Station,
Chengalpattu District.

To be substituted the
order already
Despatched on
* 21.12.2021

**To be substituted the
order already
Despatched on
** 19.01.2022**

+1cc to Mr.M.Elumalai, Advocate SR.No.29498**

W.P.No.25495 of 2021

VG II (CO)
GN(14/12/2021)

srg 17/12/2021
pr 12/01/2022
pr 29/04/2022