



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM :

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A(MD)No.680 of 2021

and

CMP(MD)No.2941 of 2021

A.Kesavan ... Appellant/3r Respondent
vs.
1) Nirmala ... 1st Respondent/Petitioner
2) The Superintendent of Police,
Madurai District,
Madurai.
3) The Inspector of Police,
Silaiman Police Station,
Silaiman,
Madurai District. ... Respondents 2 & 3 /
Respondent 1 & 2

Appeal filed under Clause 15 of Letters Patent, against the order dated 08.02.2021 made in W.P(MD)No.2094 of 2021.

Prayer in WP(MD) . 2094/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus or any other appropriate writ or order or direction in the nature of writ directing the Respondents to give protection for survey and fencing the petitioners property comprised in S.No.2/1A1E, situated in karupillaiyendal Village, Madurai East Tk., Madurai Dist and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellants : Mr.R.Suriyanarayanan
For R1 : Mr.Ajmal Khan, Senior Counsel, for
M/s.Ajmal Associates
For R2 & R3 : Mr.M.Siddharthan
Additional Government Pleader



JUDGMENT

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The 1st respondent in the writ appeal had preferred a writ petition, seeking a Mandamus, to direct the respondents to provide police protection to the writ petitioner at the time of surveying and fencing her property in Survey No.2/1A1E, situated at Karupillaiyendal Village, Madurai East Taluk, Madurai District.

2. The said writ petition was allowed without going into the merits of the claim made by the petitioner, directing the 2nd respondent Police, to dispose of the representation of the writ petitioner dated 08.12.2020. As no notice was issued to the appellant herein, before giving that direction, the appeal has been preferred by the appellant/3rd respondent in the writ petition. The representation dated 08.12.2020 itself, is for giving police protection to the writ petitioner at the time of surveying the land.

3. Today, on behalf of the 3rd respondent in this appeal, one Mr.Senthil, Special Sub Inspector of Police, is present. Though it was originally represented by the learned Additional Government Pleader that both the parties were called for enquiry and they did not co-operate in attending the enquiry, it was denied by the counsel for the appellant stating that no such notice was issued.

4. Be that as it may, with the consent of both the counsels and also the 3rd respondent present, 22nd of this month has been fixed for the enquiry, on which date, both the appellant as well as the 1st respondent, be present before the 3rd respondent. As the relief sought for is for giving police protection, let the 3rd respondent enquire the parties, afford them opportunity of hearing, peruse the documents and pass appropriate orders in this regard.

5. With the above direction, the Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1) The Superintendent of Police,
Madurai District,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2) The Inspector of Police,
Silaiman Police Station,
Silaiman,
Madurai District.

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+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-38846[F] dated 15/12/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-38915[F] dated 15/12/2021)

+1 CC to M/s.SPL GP (SR-39050[F] dated 16/12/2021)

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KB(23.12.2021) 3P 6C