



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2021

CORAM :

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

W.P. (MD)No.5653 of 2021

C.Sam. Devadasan

...Petitioner

/Vs./

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

2.The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the second respondent to provide police protection for fencing his property in Old Survey No.26/3B, New Survey No.26/3B1A of Korampallam Village, Teekay Nagar, Thoothukudi District in terms of the orders passed by the Sub-Divisional Magistrate, Thoothukudi vide his proceedings in ROC.No.B1/CrPC145/01/2019, dated 22.10.2020.

For Petitioner : Mr.B.Siddeswaran

For Respondents : Mr.S.Chandrasekar

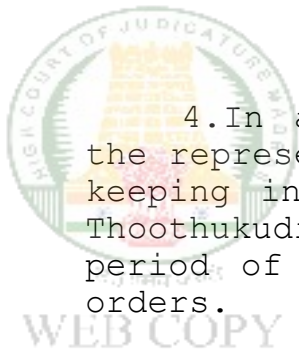
Additional Public Prosecutor

ORDER

By consent, this Writ Petition is taken up for final hearing at the admission stage itself.

2.Mr.B.Siddeswaran, learned counsel appearing for the petitioner contended that a Peace committee Meeting was conducted by the Sub-Divisional Magistrate, Thoothukudi District, on 22.10.2020 and in the said meeting, it was held that the petitioner is entitled to 47 cents situated in Survey No.26/3B1A of Korampallam Vilage. His further contention is that the petitioner wants to fence his property and in this regard, he submitted a representation to the District Collector to provide police protection to him and another representation also was given to the Superintendent of Police, Thoothukudi District.

3.Mr.S.Chandrasekar, learned Additional Public Prosecutor, who accepts notice for the respondents, on instructions, would contend that since the petitioner has not obtained any decree from a competent civil Court, he cannot be permitted to have a fencing around his property.



4.In any event, the first respondent is directed to consider the representation of the petitioner based on findings and on merits keeping in mind the proceedings of the Sub-Divisional Magistrate, Thoothukudi in ROC.No.B1/CrPC145/01/2019, dated 22.10.2020, within a period of two weeks from the date of receipt of a copy of this orders.

5.With the above observation, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.SIDDESWARAN, Advocate (SR-12297[F] dated 18/03/2021)

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SMV(CO)
KB(08.04.2021) 2P 5C