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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.NO.4302 OF 2022

P.Kulandaisamy

... Petitioner

Vs.

1. The Superintendent of Police,
District Police Office,
Kallakurichi District-606 213.

2. The Inspector of Police,
Vadaponparappi Police Station,
Sankarapuram Circle,
Kallakurichi District-605 702.

3. The Sub-Inspector of Police,
Vadaponparappi Police Station,
Kallakurichi District-605 702.

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ, directing the 2 to 3 respondents to provide the necessary police protection for fencing over the land pertaining to the property of comprising Survey No.97/4, measuring 0.66.50 Acre vide Patta No.58(New Patta No.1662) situated at Melsiruvallur village, Sankarapuram Taluk, Kallakurichi District, within Registration District of Kallakurichi, Sub-Registration District of Vadaponparappi, on the basis of the petitioners representation, dated 10.05.2021.

For Petitioner : Mr.J.Venkatraman

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor.



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O R D E R

The Writ Petition has been filed to direct the respondents 2 and 3 to provide necessary police protection on the basis of the petitioner's representation dated 10.05.2021.

2. The case of the petitioner is that he is the owner of the property comprised in Survey No.97/4, measuring to an extent of 0.66.5 Acre, bearing Patta No.58 (New Patta No.1662), situated at Melsiruvallur Village, Sankarapuram Taluk, Kallakurichi District, within the registration District of Kallakurichi, Sub-Registration District of Vadaponparappi. The petitioner had earlier approached this Hon'ble Court in W.P.No.7058 of 2021 seeking for a direction to revenue officials namely Tahsildar, Firka Surveyor and VAO to demarcate the petitioners land pertaining to the above property on the basis of the Petitioner's land demarcation application dated 20.10.2020. This Court vide order dated 18.03.2021, had directed the Revenue Officials to issue notice to all the parties who are likely to be affected by his decision and to conduct an enquiry and dispose of the petitioner's application dated 20.10.2020 through a speaking order within a period of 12 weeks.

3. Thereafter, on 04.05.2021, the Firka Surveyor issued notice to all the adjacent landowners and on 06.07.2021, a survey was conducted and boundary stones were fixed in respect of the petitioner land. The survey was conducted in the presence of the villagers and the respondent police and the Revenue Divisional Officer has also issued a certificate on 05.08.2021, with regard to the survey on the particular date.

4. It is the case of the petitioner that when he attempted to fence his property, it was objected by the adjacent land owners. Thereby, the petitioner had sent a representation to R1 and it has also been forwarded to R3. The petitioner has also given the mobile numbers of the objectors. Since, no action has been taken, the present petition has been filed seeking to give protection to the petitioner at the time of fencing.

5. Learned Additional Public Prosecutor would submit that if the petitioner fixes the date and approaches second respondent or third respondent along with the Surveyor and identifies the survey stones, the respondents are ready to give appropriate protection for fixing the stones.

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents and perused the materials available on record.



7. In view of the above, the petitioner is directed to fix a date and approach the respondents along with the Surveyor and thereby, on such identification of the survey stones by the Surveyor, the respondents are directed to provide protection for fixing the fence.

8. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nr/ham

To

1. The Superintendent of Police,
District Police Office,
Kallakurichi District-606 213.
2. The Inspector of Police,
Vadaponparappi Police Station,
Sankarapuram Circle,
Kallakurichi District-605 702.
3. The Sub-Inspector of Police,
Vadaponparappi Police Station,
Kallakurichi District-605 702
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.J.Venkatraman, Advocate, S.R.No.13472

W.P.No.4302 of 2022

SV(CO)
PM/05/04/2022