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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.NO.5122 OF 2022

S.Malliga

... Petitioner

Vs.

1. The Superintendent of Police,
Salem District,
Salem.
2. The Deputy Superintendent of Police,
Vazhapadi,
Salem District.
3. The Inspector of Police,
Ethappur Police Station,
Salem District.
4. The Tahsildar,
Pethanaickanpalayam Taluk Office,
Salem District.
5. P.Gnanasekar

... 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 respondents 1 to 3 to provide police protection to fencing of the petitioner's land situated in Survey Nos: 100/3A, 100/3B2 to the extent of 0.22.00 Hec and 0.12.55 Hec situated at Chinnasamudhiram Village, Pethanaickanpalayam, Salem District and to take action against the fifth respondent and others on the complaint given by the petitioner dated 06.12.2021.

For Petitioner

: Mr.V.Elangovan

For R1 to R3

: Mr.A.Gokulakrishnan
Additional Public Prosecutor.



For R4 : Mr.Mohamed Sathik
Government Advocate

O R D E R

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The Writ Petition has been filed to direct the respondents 1 to 3 to provide police protection to fencing of the petitioner's land situated in Survey Nos: 100/3A, 100/3B2 to the extent of 0.22.00 Hec and 0.12.55 Hec situated at Chinnasamudhram Village, Pethanaickanpalayam, Salem District and to take action against the fifth respondent and others on the complaint given by the petitioner dated 06.12.2021.

2. Learned counsel for the petitioner would submit that the petitioner is widow and she is the owner of the property comprised in Survey Nos: 100/3A, 100/3B2 to the extent of 0.22.00 Hec and 0.12.55 Hec situated at Chinnasamudhram Village, Pethanaickanpalayam, Salem District. The petitioner had earlier attempted to fence her property and since, it was objected by the adjacent land owners, the petitioner had approached this Court by filing W.P.No.7870 of 2021 and this Court, by an order dated 29.03.2021, had directed the third respondent to present at the date of conducting survey and also to afford police protection. Pursuant to the order, survey was conducted and the property of the petitioner was fenced and also issued a certificate on 02.11.2021, with regard to the survey on the particular date.

3. He would further submit that for quite some time, there was no disturbance and thereafter, the fifth respondent had once again disturbed the peaceful possession and he had also caused damage to the fence of the petitioner. Thereby, the petitioner had sent a representation to the Sub-Inspector of Police, Ethappur Police Station on 06.12.2021. However, no action has been taken, the present petition has been filed by the petitioner.

4. The learned Additional Public Prosecutor would submit that based on the earlier directions of this Court, petitioner had fenced her property on 02.11.2021. He would further submit that if the fifth respondent continues to threat and damages the fence, appropriate action will be taken by the third respondent after conducting enquiry.

5. Recording the same, the Writ Petition stands disposed of with the direction to the third respondent to conduct enquiry based on the representation of the petitioner dated 06.12.2021 and if it is found that the fifth respondent had caused disturbance to the petitioner and caused damage to the



fence, appropriate action shall be taken and protection shall be provided to the petitioner. However, there shall be no order as to costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ham/rgi

To

1. The Superintendent of Police,
Salem District,
Salem.
2. The Deputy Superintendent of Police,
Vazhapadi,
Salem District.
3. The Inspector of Police,
Ethappur Police Station,
Salem District.
4. The Tahsildar,
Pethanaickanpalayam Taluk Office,
Salem District.
5. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.15664

W.P.No.5122 of 2022

RSI (CO)
PM/18/03/2022