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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.9127 of 2022

Palanisamy

Vs.

... Petitioner

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri -5.
2. The Deputy Superintendent of Police,
Pennagaram Police Sub-Division,
Pennagaram - 636 810,
Dharmapuri District.
3. The Inspector of Police,
Eriyur Police Station,
Eriyur, Pennagaram Taluk,
Dharmapuri District.
4. The Sub-Inspector,
Perumbalai Police Station,
Perumbalai- 636 811,
Pennagaram Taluk,
Dharmapuri District.
5. The Tasildhar,
Pennagaram Taluk,
Pennagaram - 636 810,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of writ, directing the respondents 1 to 4 to provide adequate police protection to the petitioner for survey and fence his agriculture lands in S.No.168/C4B, situated at Kavakkadu, Kendaiyanahalli village, Pennagaram Taluk, Dharmapuri District based on the application dated 17.11.2021.



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For Petitioner : Mr.S.Sasikumar
For Respondents : Mr.A.Gokulakrishnan
1 to 4 : Additional Public Prosecutor.
For Respondent 5 : Mr.Mohamed Shathik
Government Advocate

O R D E R

The Writ Petition has been filed to direct the respondents 1 to 4 to provide adequate Police protection to the petitioner for survey and fence his agriculture lands in S.No.168/C4B, situated at Kavakkadu, Kendaiyanahalli village, Pennagaram Taluk, Dharmapuri District based on the application dated 17.11.2021.

2. Learned Counsel for the petitioner would submit that the petitioner is the owner of the agricultural lands in S.No.168/C4B to an total extent of 3.77 Acres and in S.No.169/A1 to an extent of 3.08 Acres, situated at Kavakadu, Kendaiyanahalli Village, Pennagaram Taluk, Dharmapuri District. He would submit that the petitioner and his family members are in possession and enjoyment of the property and doing cultivation for their livelihood. There was a dispute between the petitioner's father and the family members of one Kathan and the said Kathan had approached the Civil Court in O.S.No.275 of 1979 before the Learned District Munsif, Dharmapuri, for the relief of declaration and injunction in respect of property in No.168/C4 and the same was dismissed by the learned District Munsif on 17.03.1984. Against the dismissal, the said Kathan has not preferred any appeal. Whiles, the petitioner and his family members are in possession and enjoyment of the said land in S.No.168/C4 and are having valid title over the said property. He further submits that after his father demise, the petitioner and his sister one Anandayee partitioned the entire properties vide Partition deed as Doc.No.2641 of 2020 and they have constructed residential houses and doing cultivation in the said lands. He further submit that legal heir of Kathan are disturbing the petitioner and thereby the petitioner had sent a representation dated 17.11.2021 seeking to provide Police protection, since, it has not been considered, therefore, the present writ petition has been filed.

3. Learned Additional Public Prosecutor would submit that if the petitioner fixes a date for survey with the revenue officials and intimate to the respondents and adjacent land owners, due enquiry would be conducted and appropriate protection will be given.



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4. Recording the above submission made by the learned Additional Public Prosecutor, this Writ petition stand disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vkrr/nti

To

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri -5.
2. The Deputy Superintendent of Police,
Pennagaram Police Sub-Division,
Pennagaram - 636 810,
Dharmapuri District.
3. The Inspector of Police,
Eriyur Police Station,
Eriyur, Pennagaram Taluk,
Dharmapuri District.
4. The Sub-Inspector,
Perumbalai Police Station,
Perumbalai- 636 811,
Pennagaram Taluk, Dharmapuri District.
5. The Tasildhar,
Pennagaram Taluk,
Pennagaram - 636 810,
Dharmapuri District.
6. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Sasikumar, Advocate, S.R.No.26565

W.P.No.9127 of 2022

SR[co]
NSK 25/04/2022