



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.27286 of 2021

K.Ramachandran

... Petitioner

Versus

1. The Superintendent of Police,
Tiruvallur.
2. The Deputy Superintendent of Police,
Anti-Land Grabbing Cell,
Thiruvallur.
3. The Inspector of Police,
District Crime Branch,
Tiruvallur.
4. The Thashildar,
Poonamallee Taluk,
Tiruvallur District.
5. Poovai Jagan Moorthiyar

... Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the constitution, to issue Writ of Mandamus, to direct the 4th respondent to submit the report regarding the survey conducted in the property of the petitioner comprised in Survey No. 668/1B in admeasuring Ac 1-19 cents, Nemam Madura, Andersonpet Village, Poonamallee Taluk, Thiruvallur District to the 3rd respondent and in turn direct the 2nd and 3rd respondents to take appropriate action against the 5th respondent under Land grabbing for his illegal encroachment in the above property.

For Petitioner : Mr.P.Sesubalan Raja.

For Respondents: Mr.E.Raj Thilak
Additional Public Prosecutor
For R1 to R4.



ORDER

The petitioner, who is an entrepreneur, is running a small scale industry in the name of M/s. Ohm Industry in Hosur. He intends to start an another unit at Thiruvallur and had purchased a vacant site ad-measuring 1 acre 19 cents comprised in Survey No.668/1B in Nemam Madurai, Andersonpet Village, Poonamallee Taluk, Thiruvallur District. The said property was purchased by way of a Registered Document No.1263 of 2006 dated 03.03.2006. Since the property is abutting the main road, the petitioner had put up a compound wall. The compound wall of the petitioner was demolished and further, a political party, Viz., Puratchi Bharatham Katchi had encroached into the petitioner's property by erecting hey flag post. The petitioner objected to the same, by mobilizing force, the petitioner was threatened and flag post were well laid. Thereafter, the petitioner produced necessary documents all revenue records to the Tahsildar. The Tahsildar, on satisfying about the same, permitted the petitioner to pay the survey fee, the petitioner remitted survey fee on 07.07.2021. Thereafter, the petitioner gave representation to the Tahsildar, on 05.05.2021 for conducting the Survey. On 27.09.2021, the surveyor conducted survey and ear-marked the property. Thereafter, petitioner approached the respondent-police to give police protection for putting up compound wall, remove encroachments from his land. The Inspector of Police, District Crime Branch, Tiruvallur sent letter to the Tahsildar, Poonamallee to provide the survey report, by his communication dated 30.09.2021. The Tahsildar, Poonamallee received the said communication, but yet to provide the survey report. The petitioner is now made to run between the police and the Revenue Authorities.

2. The Police insist that unless the Tahsildar, Poonamallee provides survey report, they cannot give police protection to the petitioner, to remove the flag post from the petitioner's property. The Revenue Officials informed that the petitioner is not entitled for any report, the report will be sent to the police directly. The survey was conducted at the instance of the petitioner, who paid the survey fee. In view of the same, the Revenue Authorities cannot deny the survey report.

3. In support of his contentions, the petitioner produced property documents, requisition to the Tahsildar, requisition to the Police Officer and acknowledgments, challan, paid for the survey and six photographs showing that the flag post put up by the Puratchi Bharatham Katchi encroaching into the property of the petitioner.



4. The learned Additional Public Prosecutor submitted that the respondent police will take appropriate action, after receiving the survey report. Further, it is the duty of the police to enforce law and order and also see to that Rule of Law prevails. Whether the petitioner's property is encroached and flag post installed can be verified only with the survey report. Thereafter, with necessary force, if flag post is found, encroaching petitioner's property, the same will be removed and the petitioner will be given police protection for constructing compound wall.

5. In view of the same, the District Collector as well as the Superintendent of Police, Tiruvallur are directed to give protection to the petitioner and to his property. Further, if flag post is found in the petitioner's property, the same would be removed and the 5th respondent, a people's representative, sure will follow the Rule of Law. The Superintendent of Police and the District Collector, Tiruvallur to implement this order within a period of 3 weeks from the date of receipt of copy of this order.

6. In view of the same, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mpl/srn

To

1. The Superintendent of Police,
Tiruvallur.
2. The District Collector,
Tiruvallur.
3. The Deputy Superintendent of Police,
Anti-Land Grabbing Cell,
Thiruvallur.



4. The Inspector of Police,
District Crime Branch,
Tiruvallur.

5. The Thashildar,
Poonamallee Taluk,
Tiruvallur District.

6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Sesubalan Raju, Advocate, S.R.No.5100

W.P.No.27286 of 2021

PCH(CO)
SU(08/02/2022)