



W.P.No.30970 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

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G.Vijayakumar

... Petitioner

Vs.

1. The Superintendent of Police,
District Police Station,
Cuddalore.

2. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District – 608 001.

3. Selvaganapathy

4. Sundaramoorthy

5. Rathinavalli

6. Sundaravalli

7. Nagarathinam

8. Manikandan

...Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to provide Police protection at the time of conducting survey and demarcate the boundaries of the properties of the housing plots situated at Block No.5, Ward No.1, Chidambaram Town, Cuddalore District comprised of T.S.No.218/2 and T.S.No.219 and the housing plot situated at Block No.1, Ward No.1, comprised of T.S.No.25/3J admeasuring 0.0185, 0.0.75 and 0.0.012 sq.mts respectively with the aid of police protection so as to erect boundary stones and fencing.

For Petitioner : Mr.G.Pugazhenthir

For Respondents 1 & 2 : Mr.S.Santhosh,
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed to direct the respondents 1 and 2 to provide Police protection at the time of conducting survey and demarcate the boundaries of the properties of the housing plots situated at Block No.5, Ward No.1, Chidambaram Town, Cuddalore District comprised of T.S.No.218/2 and T.S.No.219 and the housing plot situated at Block No.1, Ward No.1, comprised of T.S.No.25/3J admeasuring 0.0185, 0.0.75 and 0.0.012 sq.mts respectively with the aid of police protection so as to erect



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boundary stones and fencing.

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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the petition mentioned property. In this regard, earlier a civil suit has been filed in O.S.No.98 of 1997 and final decree has also been passed in favour of the petitioner on 23.12.1997; since the property is damaged due to natural calamities, he wanted to erect a new fence and at that time, the respondents 3 to 8 were obstructed to do so; hence the petitioner has filed this Writ Petition seeking police protection for measuring his property with the help of Government Surveyor.

4. The learned Government Advocate (Crl. Side) submitted that earlier the very same petitioner has given a representation for police protection on 28.01.2022 which has been taken on file in C.S.R.No.91 of 2022 and the same was closed based on an undertaking given by the parties for seeking remedy before appropriate Civil Court; further if the authorised surveyor comes with the due request to measure the petition mentioned



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properties, to the respondent Police, the same will be considered.

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5. The learned counsel for the petitioner submitted that the surveyor only instructed the petitioner to get the police protection. If the surveyor feels that the police protection is necessary, the surveyor can give a request. Even after enquiry, if the respondent Police finds that there are civil disputes and for which the parties have to seek recourse only through the Civil Court, the second respondent Police shall direct the parties appropriately. The petitioner is at liberty to submit the final decree passed in O.S.No.98 of 1997 to the respondent Police, if the dispute about the title has already been settled by the Civil Court.

6. With the above direction, this Writ Petition stands disposed of. No costs.

21.11.2022

vum

Index:yes/No

Speaking order / Non speaking order



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To

1. The Superintendent of Police,
District Police Station,
Cuddalore.
2. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District – 608 001.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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