



W.P.(MD) No.19918 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2022

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.19918 of 2015

The Commissioner,
Gudalur Municipality,
Gudalur Post, Uthamapalayam Taluk,
Theni District.

... Petitioner

Vs

1.The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Gudalur North Police Station,
Gudalur, Theni District.

3.Nallu

4.Balakrishnan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 and 2 herein to provide necessary police protection more fully for one day for carrying out the construction of the drainage channel in the property in S.No.1215/1,



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Ward No.3, Ellai Street, Gudalur Town on the basis of representation given by the petitioner Municipality dated 21.09.2015.

For Petitioner : Mr.Karuppasamy Pandian

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 & R2

: Mr.P.Suriya Narayanan for R3 & R4

ORDER

The present writ petition has been filed seeking writ of mandamus by the Commissioner of Gudalur Municipality to direct respondents 1 and 2 to provide necessary police protection to clear the waste material and for construction of drainage channel in S.No.1215/1, Ward No.3, Ellai Street, Gudalur Town, on the basis of representation given by the petitioner-Municipality, dated 21.09.2015.

2. It is seen from the records that the third and fourth respondents herein are objecting to the construction of the drainage channel. They have filed O.S.No.334 of 2012 on the file of District Munsif, Uthamapalayam as against the writ petitioner herein. The said suit was dismissed. A perusal of



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the 'A' Register indicates that S.No.1215/1 is a Government poramboke land and it has been classified as Vandipathai and hence, the private respondents have no right whatsoever to oppose the writ petitioner from constructing the drainage channel in the above said survey number. In view of the above said facts, respondents 1 and 2 are directed to provide police protection to the writ petitioner for construction of the drainage channel.

3. With the above direction, this Writ Petition is allowed as prayed for. No costs.

25.07.2022

Index: Yes/No

Internet: Yes

abr

To

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Theni District,
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