



DATED : 20.07.2023

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.21423 of 2023

... Petitioner

Vs.

- ... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, to direct the respondents 1 to 3 to give adequate police protection to the respondents 4 and 5 along with the petitioner to measure and lay survey stones making the boundaries in the petitioner's aforesaid property situated in survey Nos.352, 353 and 354 of Muthunaickenpatti Village, measuring about 17.23 Acres.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
[R1 to R5]

ORDER

This writ petition has been filed for a direction to the respondents police to give police protection in order to enable the subject property to be measured and for laying the survey stones.

2. Heard Mr.S.Sivakumar, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for official respondents.

3. The petitioner is claiming his right over the subject property by virtue of a final decree passed in I.A.No.420 of 2016 in O.S.No.158 of 2014 on the file of II Additional District Court, Salem. Pursuant to the final decree, the subject property was specifically identified and it was



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allotted in favour of the petitioner by meets and bounds. The grievance of the petitioner is that the property has to be measured and survey stones for marking the boundaries must be laid. An application has also been given to the Surveyor and an attempt was also made to survey the land. Some objections were made. Hence, the Surveyor stopped the survey and wanted police protection.

4. The petitioner has not given any representation/complaint before the police seeking for police protection and has straightaway filed the present petition before this Court. In view of the same, the relief sought for by the petitioner cannot be granted by this Court.

5. This Writ Petition is disposed of with a direction to the petitioner to give a representation/complaint before the third respondent seeking for police protection. The third respondent shall act upon the same and if it is found that there is already a final decree passed in favour of the petitioner and pursuant to the same, the petitioner wants to survey the property with the help of the Surveyor, the third respondent shall consider granting some protection.



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N.ANAND VENKATESH, J.

gm

Accordingly, this Writ Petition is disposed of in the above terms.

No costs.

20.07.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm

To

1. The Superintendent of Police,
Salem District, Salem.
2. The Deputy Superintendent of Police,
Omalur, Sub-Division,
Omalur, Salem District.
3. The Inspector of Police,
Omalur Police Station, Salem District.
4. The Tahsildar,
Omalur Taluk, Salem District.
5. The Surveyor,
Muthunaickenpatti, Omalur Taluk,
Salem District.
6. The Public Prosecutor,
High Court, Madras.

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