



WEB COPY



W.P.No.15281 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P. No.15281 of 2023
and W.M.P.No.14766 of 2023

N.Durairaj

... Petitioner

Versus

1.The Superintendent of Police
O/o. the Superintendent of Police
Villupuram District
Tamil Nadu

2.The Station House Officer
Kottakuppam Police Station
Kottakuppam
Villupuram District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus, directing the 2nd respondent to give sufficient police protection to petitioner and his property for completion of fencing work in his property comprised in Old survey No. 23/2 with corresponding Re-survey No.100/1A1, New survey No.454 of Kottakuppam Revenue village, Sub Registration District at Vanur, Tindivanam District Registration office, Vanur Taluk, Villupuram District measuring to an extent 70 cents of Land based on the complaints/representation dated 24.1.2022, 01.4.2023 and 1.5.2023 submitted by the petitioner and his father.



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For Petitioner : Mr.Prakash Adiadam

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The Writ Petition has been filed to direct the the 2nd respondent to give sufficient police protection to petitioner and his property for completion of fencing work in his property comprised in Old survey No. 23/2 with corresponding Re-survey No.100/1A1, New survey No.454 of Kottakuppam Revenue village, Sub Registration District at Vanur, Tindivanam District Registration office, Vanur Taluk, Villupuram District measuring to an extent 70 cents of Land based on the complaints/representation dated 24.1.2022, 01.4.2023 and 1.5.2023 submitted by the petitioner and his father.

2. The learned Additional Public Prosecutor submitted that the petitioner has not impleaded the private parties, who, according to the petitioner are interfering in his possession. This Court cannot grant a blanket direction without hearing the opposite parties. However, it is submitted by the learned counsel for the petitioner that they had given representations dated 24.1.2022, 01.04.2023 and 01.05.2023 to the respondents. The learned



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counsel further submits that there are Civil Court Orders in favour of the petitioner and the respondents are bound to consider the petitioner's representation as per the G.O.(3D) No.42, Home, dated 30.06.2008 which has been considered by this Court in several cases including the judgment of this Court in the case of *Radhika Sri Hari and another Vs. Commissioner of Police, Coimbatore City, Coimbatore* reported in (2014) 2 CTC 695.

3. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials placed on record.

4. In view of the above facts and circumstances of the case, this Court directs the second respondent to consider the petitioner's representations dated 24.1.2022, 01.04.2023 and 01.05.2023, conduct an enquiry and take appropriate action after providing opportunity of hearing to the petitioner as well as the opposite parties in accordance with terms of G.O.(3D) No.42, Home, dated 30.06.2008.



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5. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition stands closed.

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dhk

Index : Yes/No

Internet: Yes/No

To

1.The Superintendent of Police
O/o. the Superintendent of Police
Villupuram District
Tamil Nadu

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SUNDER MOHAN, J.



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