



W.P.No.24568 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.24568 of 2023

and

W.M.P.No.23990 of 2023

1.Vikas Agarwal
S/o.Kunj Bihari Agarwal

2.Ravi Agarwal
S/o. Kunj Bihari Agarwal

both the petitioners are represented by their
Joint Power Agents,
P.Devaraj S/o.Ponnusamy
K.R.Ashokkumar S/o. Ramasamy

.. Petitioners

Vs.

1. The Tahsildar,
Uthukuli,
Tiruppur District.

2. The Taluk Surveyor,
Uthukuli Taluk,
Tiruppur District.

3. The Block Development Officer,
Uthukuli Taluk,
Tiruppur District.

4. The Superintendent of Police,



W.P.No.24568 of 2023

WEB COPY

Tiruppur District.

5. The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus directing the respondents 4 and 5 to provide police protection to enable the petitioners to form the fence around the property in S.F.No.148 of Sengalipalayam Village, Uthukuli Taluk, Tiruppur District by considering the petitioners' representation dated 10.07.2023 by appreciating the above stated facts.

For Petitioners : Mr.M.Guruprasad

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor.

ORDER

This Writ petition has been filed for a direction to the respondents 4 and 5 to act upon the representation / complaint given by the petitioners on 10.07.2023 and to provide police protection in order to enable the petitioners to put up fence around the property in S.F.No.148, Sengalipalayam Village, Uthukuli Taluk, Tiruppur District.

2. Heard Mr.M.Guruprasad, learned counsel appearing for the



W.P.No.24568 of 2023

petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. The case of the petitioners is that they are the absolute owners of the subject property. The local body made a claim over a portion of the property and an order was also passed on 02.02.2023 to the effect that there has been an encroachment into the property belonging to the Panchayat. The matter ultimately reached this Court in W.P. No.11170 of 2023 and this Court, by an order dated 11.04.2023, issued the following directions:

"7. In the light of the above discussion, it will be more appropriate to treat the proceedings of the 5th respondent in Na.Ka. No.541/2023/Aa2, dated 13.03.2023 as a Show Cause Notice. The petitioners are directed to give their reply to the 5th respondent along with all the relevant documents, within a period of two weeks from the date of receipt of copy of this order. The 5th respondent on receipt of the same, shall get the necessary clarification from the petitioners and if required, conduct a survey of the property to exactly determine the property in question and thereafter, proceed further in accordance with law. This direction issued by this Court will sufficiently safeguard the rights of both the parties. Till a final decision is taken by the 5th respondent, the present *status quo* shall be maintained".

4. Pursuant to the above order, a survey was conducted and encroachment that was made in S.F.No.148 was identified and boundaries



W.P.No.24568 of 2023

were also fixed. In such a scenario, the petitioner wanted to fence the property which has been identified to be that of the petitioner. When an attempt was made to fence the property, once again there was disturbance from certain persons. Hence, a representation was made by the petitioners on 10.07.2023 seeking for police protection. Since the same was not considered, the present Writ petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.M.Guruprasad, learned counsel appearing for petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor, appearing for respondents.

6. Learned Additional Public Prosecutor, on instructions, submitted that if the complaint is given by the petitioners in person before the fifth respondent, the same will be acted upon in accordance with law.

7. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned Additional Public Prosecutor,



W.P.No.24568 of 2023

there shall be a direction to the first petitioner to submit a complaint before the fifth respondent in person. The fifth respondent shall enquire the complaint and shall also take into consideration the earlier order that was passed by this Court in W.P.No.11170 of 2023 and the subsequent action that was initiated to identify the encroachment. The decision shall be taken by the fifth respondent within a period of three (3) weeks from the date of receipt of the complaint from the petitioners for the grant of police protection.

This Writ Petition is disposed of with the above direction. Consequently, the connected Criminal Miscellaneous Petition is also closed. No costs.

21.08.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
mjs / gm

N.ANAND VENKATESH, J

mjs / gm



W.P.No.24568 of 2023

WEB COPY

To

1. The Tahsildar,
Uthukuli,
Tiruppur District.
2. The Taluk Surveyor,
Uthukuli Taluk,
Tiruppur District.
3. The Block Development Officer,
Uthukuli Taluk,
Tiruppur District.
4. The Superintendent of Police,
Tiruppur District.
5. The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
6. The Public Prosecutor,
High Court, Madras.

W.P.No.24568 of 2023

21.08.2023