



W.P.No.33346 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 20.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.33346 of 2022
and
W.M.P.No.32780 of 2022

B.Ganesan

... Petitioner

Vs.

1.The Tahsildar,
Soolagiri Taluk,
Soolagiri,
Krishnagiri District.

2.The Head Surveyor,
Office of the Tahsildar,
Soolagiri Taluk,
Soolagiri.

3.The Sub Inspector of Police,
Uddanapalli Police Station,
Krishnagiri District.

4.C.Venkatesan
5.Ellappan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to provide police protection to the petitioner to survey the land situated at Agaram



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Agraharam Village, Soolagiri Taluk, Krishnagiri District comprised in Survey No.42/1A to an extent of 30 ½ cents, with the help of the respondents 2 and 3, by considering his complaint dated 09.07.2021 in C.S.R.No.82 of 2021 on the file of the 3rd respondent, within a time frame as may be fixed by this Court.

For Petitioner : Mr.K.K.N.Ganesan

For Respondents : Mr.S.Santhosh
Government Advocate (Crl.Side)
for R1 to R3
Mr.M.Mohamed Riyaz – for R4 & R5

ORDER

This writ petition has been filed to direct the third respondent to provide police protection to the petitioner to survey the land situated at Agaram Agraharam Village, Soolagiri Taluk, Krishnagiri District comprised in Survey No.42/1A to an extent of 30 ½ cents, with the help of the respondents 2 and 3, by considering his complaint dated 09.07.2021 in C.S.R.No.82 of 2021 on the file of the third respondent, within a time frame as may be fixed by this Court.

2.The learned counsel for the petitioner submitted that the petitioner purchased properties in Survey No.42/1A to an extent of 30 ½ cents, in Survey No.43/6B to an extent of 0.08 cents and in Survey No.43/7C to an



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extent of 1.01 ½ cents through a registered sale deed dated 05.08.2019 from one Chennappa and others. The petitioner made an application to the first respondent to survey his properties. However, the respondents 4 and 5 are obstructing the survey. In this regard, he has also given a representation to the third respondent on 09.07.2021 seeking police protection. Since no police protection was provided, this writ petition is filed before this Court.

3.The learned appearing for the respondents 4 and 5 submitted that the respondents 4 and 5 have not made any attempt to illegally encroach the petitioner's land. He also submitted that the respondents 4 and 5 have no objection for the petitioner to survey his land.

4.This Court perused the records i.e., sale deed executed in favour of the petitioner and the patta issued in favour of the petitioner and it shows that the petitioner has *prima facie* right and title in respect of the property in Survey No.42/1A situated at Agaram Agraharam Village.

5.On the other hand, the respondents 4 and 5 have not produced any materials/documents to show that they have any right in the said property. In



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this circumstances, this Court is of the view that the petitioner has every right to survey his land purchased through sale deed dated 05.08.2019, especially, the land in Survey No.42/1A.

6.In this view of the matter, the third respondent is directed to pass appropriate orders on the representation given by the petitioner on 09.07.2021 seeking police protection, including giving police protection at the time of survey of his property.

7.Accordingly, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

20.02.2023

Index :Yes/No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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3. The Sub Inspector of Police,
Uddanapalli Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN, J.

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