



W.P.(MD)No.16734 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.16734 of 2021

A.Nallasamy Naicker

... Petitioner

Vs.

1.The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.

2.The Tahsildar,
Ettayapuram,
Thoothukudi District.

3.Laser, S/o.Vedamuthu

4.Valliyammal, W/o.Laser

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to give adequate Police Protection on the day of measuring the land in S.Nos.11/1 and 11/2, situated at Nambipuram Village, Padarnthapuli Firka, Ettaiyapuram Taluk, Thoothukudi District.



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For Petitioner : Mr.S.Ramasamy
For R1 and R2 : Mr.R.Meenakshisundaram
Additional Public Prosecutor
For R3 and R4 : Mr.M.Pandian

ORDER

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 28.07.2023, which reads as follows:-

"The petitioner purchased Punja land in S.Nos. 11/1 and 11/2 to an extent of 7 Acres and 28 Cents, situated at Nambipuram Village, Thoothukudi District, from one Krishnammal, W/o.Gundu Subba Naicker, through a sale deed, vide Document No.919/1992, dated 28.10.1992. Thereafter, Patta got transferred in his name. The petitioner is in possession and enjoyment of the said property.

2. The respondents 3 and 4 herein, who are said to be possession of adjacent land, had encroached upon certain area of the petitioner's property. Hence, the petitioner made an application along with documents and requisite fees to the revenue authorities to survey and earmark the boundaries of the land. When the Officials had come for survey of the lands on 12.03.2019, the respondents 3 and 4 objected to the same, and therefore, the Officials left the place without measuring the land. Immediately, the petitioner lodged a complaint for Police protection with the first respondent herein, who received the complaint and issued C.S.R.No.435 of 2021. Thereafter, no action has



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been taken. Hence, the petitioner filed the present Writ Petition.

3. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor, on instructions, would submit that based on the complaint given by the petitioner, enquiry was conducted, and as there was a civil dispute between the petitioner and the respondents 3 and 4, they were advised to approach the civil forum for their remedy and as the parties also agreed to approach the civil forum stating that they will abide by the civil court orders, the complaint was closed on 03.09.2021.

4. It is seen that when the case was listed on 14.07.2023, the learned counsel for the respondents 3 and 4 received a copy of the affidavit and typed set of papers and sought time for filing counter affidavit. At his request, the matter was adjourned and directed to be listed today.

*5. Today, when the matter is called, there is no representation on behalf of the respondents 3 and 4. In order to give one more opportunity before order is being passed in this case, Registry is directed to list the matter on **11.08.2023** under the caption "for orders".*

2.Today, when the matter is taken up for hearing, the learned counsel for the respondents 3 and 4 submitted that the respondents 3 and 4 have no objection for surveying and earmarking the boundaries of the property in question by the revenue officials. The only apprehension is that, the



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property of the respondents 3 and 4 is situated adjacent to the property of the petitioner and therefore, their peaceful possession and enjoyment of their property may not be disturbed.

3.The learned Additional Public Prosecutor for the respondents 1 and 2 submitted that the first respondent would provide adequate Police protection to the Public Servants, namely, the second respondent and the Surveyor while conducting survey.

4.In view of the above, the second respondent/Tahsildar, Ettaiyapuram, Thoothukudi District, shall undertake the survey of the property in question along with a Surveyor and to earmark the boundaries of the property as per the revenue records and the documents produced by the respective parties, within a period of fifteen days from the date of receipt of a copy of this order. The first respondent is directed to provide adequate Police protection while conducting survey in respect of the property in question. If there is any objection or obstruction to the Public Servants while discharging their official duty, appropriate action to be taken against the concerned in this regard.



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5. With the above direction, this Writ Petition is disposed of. No

costs.

18.08.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To

1. The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.
2. The Tahsildar,
Ettayapuram,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in

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