



W.P.(MD)No.16947 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.16947 of 2018

P.Aandi

... Petitioner

Vs.

1.The Tahsildar,
Vedasanthur Taluk Office,
Vedasanthur, Dindigul District.

2.The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai, Dindigul District.

3.Perumal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to give necessary police protection to measure the petitioner's property with regard to survey No.411/1D, 412, 413/3, 436/1C, 436/2B, 443/4 and 445/2C situated Ayyalur Village, Vedasanthur Taluk, Dindigul District based on the petitioner's representation dated 06.07.2018.

For Petitioner : Mr.G.Gomathi Sankar



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For R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For R3 : No Appearance

ORDER

This Writ Petition has been filed to direct the second respondent to give necessary police protection to measure the petitioner's property with regard to survey No.411/1D, 412, 413/3, 436/1C, 436/2B, 443/4 and 445/2C situated Ayyalur Village, Vedasanthur Taluk, Dindigul District based on the petitioner's representation dated 06.07.2018.

2.According to the petitioner, he is the land owner of the property in survey No.411/1D, 412, 413/3, 436/1C, 436/2B, 443/4 and 445/2C situated in Ayyalur Village, Vedasanthur Taluk, Dindigul District. He is also paying kist to the said properties. While being so, the third respondent herein had constructed a house in the petitioner's land under the scheme of “Pasumai Veedu Thittam”. Hence, he made a representation before the first respondent to measure his land and identify the four boundaries. However, the same has not been considered by the official respondents. Therefore, the petitioner filed a writ petition



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in W.P.(MD)No.20534 of 2017 and the same was also disposed of on 08.11.2017 by directing the first respondent to consider the representation of the petitioner. However, the third respondent herein restricted the Surveyor to measure the property and thereby, the petitioner made a representation before the second respondent on 06.07.2018 for Police protection to measure the property. But the second respondent did not consider his representation. Hence, he filed the present writ petition.

3.The respondents have not filed any counter. However, the learned Additional Public Prosecutor appearing for the second respondent has represented that now there is change in circumstances and if any necessity, the petitioner can very well approach the second respondent by filing appropriate application and the same will be considered by the second respondent, in accordance with law.

4.The learned counsel appearing for the petitioner brought to the knowledge of this Court that the petitioner herein died while this petition is pending.



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5.Considering the fact that already petitioner died and the date of the application also in the year 2018 and considering the submission of the learned Additional Public Prosecutor that if any fresh application is filed by the petitioner's legal heirs, the same will be considered in accordance with law and also considering the facts and circumstances of the case, it is appropriate to direct the second respondent to consider such representation. Accordingly, the second respondent is directed to consider the representation, if any filed by the petitioner's legal heirs with references to the properties mentioned in this petition, by giving opportunity to all the interested parties.

6.With the above observations and directions, this writ petition is disposed of. No costs.

05.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To



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Vedasanthur,
Dindigul District.
- 2.The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL,J.

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