



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2808 of 2024

M.Sivakumar

... Petitioner

Vs.

1.The Superintendent of Police,
SP Office Campus,
Krishnagiri District – 635 201.

2.The Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District – 635 201.

3.The Tahsildar,
Office of Tahsildar,
Pochampalli Taluk,
Krishnagiri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the 1st and 2nd respondent to give the adequate police protection to measure the land and also to put up fencing the land situated in Survey no. 24/1 measuring extent of 0.30 cents and Punjai Survey No. 24/4 measuring extent of 0.16 cents, totally 0.46 cents Veeramalai Village, Pochampalli Taluk, Krishnagiri District by considering the petitioner's representation dated 19.01.2024.



For Petitioner : Mr.M.Vignesh
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking for police protection in order to survey the land, based on the representation made by the petitioner on 19.01.2024.

2. When the matter came up for hearing on 08.02.2024, this Court passed the following order:

The learned Additional Public Prosecutor on instructions submitted the enquiry that was pending in CSR Nos.329, 134 of 2023 and counter CSR No.328 of 2023 were closed on 05.10.2023.

2. *Post this case under the same caption on 12.02.2024.*

3. When the matter was taken up for hearing today, the learned Additional Public Prosecutor submitted that no requisition has been received from the Tahsildar seeking for police protection in order to conduct the survey and hence, the representation made by the petitioner on 19.01.2024, is pending enquiry.



4. On carefully going through the records, it is seen that the petitioner had already approached this Court and filed a writ petition in W.P.No.33498 of 2023 seeking for a direction to the Tahsildar to survey the property and to lay the boundary stones. This Court disposed of the writ petition by an order dated 29.11.2023 in the following manner:

4. Considering the limited nature of payer sought for in this writ petition, this Court directs the first respondent to consider the representation of the petitioner dated 07.10.2023 and issue notice to the petitioner as well as the adjacent land owners of the four boundaries of the subject properties and also to the interested parties/rival claimants, if any, and after giving notice to the parties, conduct an enquiry in a manner known to law and pass orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

5. In the light of the above directions given by this Court, the Tahsildar must first take a decision for conducting a survey after conducting an enquiry. Once the Tahsildar takes such a decision, a requestion can be made to the respondent police seeking for police protection while conducting the survey. Therefore, the role of the police will come into play only after the Tahsildar takes a decision to survey the land pursuant to the directions issued by this Court in W.P.No.33498 of 2023 dated 29.11.2023.



N. ANAND VENKATESH, J.

SSR

6.This writ petition is disposed of in the above terms. No Costs.

12.02.2024

Index : Yes/No

Internet : Yes/No

ssr

To

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Krishnagiri District – 635 201.

2.The Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District – 635 201.

3.The Tahsildar,
Office of Tahsildar,
Pochampalli Taluk,
Krishnagiri District.

4.The Public Prosecutor,
High Court, Madras.

W.P.No.2808 of 2024