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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.7780 of 2024

R. Madhavan

.. Petitioner

Vs.

1.The Station House Officer,
Inspector of Police,
Mangalam Police Station,
Mangalam, Puducherry – 605 110.

2.The Tahsildar,
Taluk Office, Villianur,
Puducherry – 605 110.

3.A. Karthikeyan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to provide adequate police protection for surveying and fencing the petitioner's property comprised in R.S.No.95/73, Cadastre No.125 pt, Patta No.77(N) measuring to an extent of 00.01.07 HACa. Equivalent to 1188 sq.ft.s and R.S.No.95/80, Cadastre No.125 pt, Patta No.77(N) measuring to an extent of 810 sq.ft.s out of the total extent 00.01.50 HACa. (1614 sq.ft.) in total measuring to an



extent of 1998 sq.fts. situated at Mangalam Revenue Village, Puducherry, in pursuant to an order dated 04.10.2023 passed by the 2nd respondent herein.

For Petitioner	.. Mr.S. Sathish
For R1	.. Mr.M.V.Ramachandra Murthy Additional Public Prosecutor, Puducherry
For R2	.. Mr.V. Vasanthakumar, Addl. Government Pleader

ORDER

This writ petition has been filed in the nature of Mandamus seeking a direction to the 1st respondent, the Station House Officer, Mangalam Police Station, Mangalam, Puducherry – 605 110, to provide adequate police protection during the survey and fencing of the property of the petitioner in R.S.No.95/73, Cadastre No.125pt Patta No.77(N) measuring 00.01.07 hectares equivalent to 1188 sq.fts and land in R.S.No.95/80, Cadastre No.125pt, Patta No.77(N) measuring 810 sq.fts out of total area of 1614 sq.ft. totally measuring 1998 sq.fts at Mangalam Revenue Village, Puducherry.



2.The petitioner placed reliance on an order dated 04.10.2023 passed by the 2nd respondent, Tashildar, Taluk Office, Villanur, Puducherry. By the said order, the 2nd respondent observed that the petitioner had purchased the aforementioned lands from one Pandurangan S/o. Punniaykodi by sale deed dated 11.10.2021 registered as Document No.24782 of 2021. It had been stated that the 3rd respondent herein, who is the adjacent land owner had occupied the aforementioned lands, but there are no title documents in his favour. It is stated that after purchase the petitioner started to fence the land and this was objected by the 3rd respondent. After observing the above, the 2nd respondent had placed a request to the 1st respondent to provide adequate protection, at the time, when fencing of the land are done. It is also stated that the time for clearing of the encroachment shall be informed by the petitioner in writing.

3.Heard the learned counsel for the petitioner and also the learned counsel for the 1st respondent.

4.The fundamental fact is not in dispute namely, the purchase of the aforementioned land by the petitioner herein. Once title is vested with the



petitioner, he has every right to seek peaceful enjoyment of the same. But

unfortunately, the 3rd respondent appears to have encroached into the lands.

It is for that reason that the 2nd respondent had passed an order directing the 1st respondent to provide adequate protection, at the time, when the lands are fenced and also to remove the encroachment namely, the cow shed.

5. In view of all these circumstances, a direction is given that necessary protection may be afforded but to commence from May of this year, in view of the election schedule which had been announced. Further time limit of four weeks is determined to clear the encroachment. But however, it would also be advisable that appropriate procedure in law may be followed at the time of taking steps for clearing the encroachment.

6. Observing as above, this Writ Petition stands disposed of. No costs.

22.03.2024

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order: Yes/No



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To

1. The Station House Officer,
Inspector of Police,
Mangalam Police Station,
Mangalam, Puducherry – 605 110.
2. The Tahsildar,
Taluk Office, Villianur,
Puducherry – 605 110.
3. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN,J.

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