



W.P.No.33771 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33771 of 2023

I.Fahim

... Petitioner

Vs.

- 1.The District Collector,
Thirupattur District.
- 2.The Superintendent of Police,
Thirupathur District,
Thirupathur.
- 3.State Represented by
The Inspector of Police,
Jolarpettai Police Station,
Thirupatthur District.
- 4.Tahsildar,
Thirupathur,
Thirupathur District.
- 5.The Surveyor,
Thirupathur Taluk,
Thirupathur District.
- 6.R.Manohar
- 7.R.Ramesh
- 8.Unnamalai Ammal

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



W.P.No.33771 of 2023

issue a Writ of Mandamus directing the respondents 2 and 3 to provide Police-aid so as to enable the petitioner to survey, measure and demarcate the lands with the assistance of the Revenue Officials Respondents 4 and 5 and put up a fence to protect and preserve the lands in Survey No.114/1 and 343, Muthanoor Village, Aathanavoor, Yelagiri Hills, Thirupattur Taluk, Vellore District.

For Petitioner : M/s.Vasudha Thiagarajan
For Respondents : Mr.A.Gopinath for R1 to R5
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed for issue of Writ of Mandamus directing the respondents 2 and 3 to provide Police protection in order to enable the petitioner to survey and demarcate the lands and to put up a fence in the subject property.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing on behalf of the respondents 1 to 5.

3.It is seen from the records that there is already a civil Court decree in favour of the petitioner which was also confirmed in appeal. On earlier occasion, the same petitioner approached this Court and



W.P.No.33771 of 2023

filed W.P.No.4627 of 2018 for a direction to the Revenue Authorities to measure the land and to fix the boundaries. This writ petition was disposed of by an order dated 11.03.2018 by directing the Revenue Authorities to do the needful. Thereafter, the Revenue Authorities attempted to survey the lands and it was obstructed by the private respondents. Hence, the petitioner filed CrI.O.P.No.11212 of 2019 seeking for Police protection. This petition was disposed of on 26.04.2019 by directing the Police to conduct an enquiry and to take a decision.

4.The Police decided to give Police protection to the Revenue Authorities to survey the property and to fix the boundaries. However, once again it was prevented by the private respondents. This resulted in the registration of an F.I.R. in Cr.No.19 of 2023 dated 12.08.2023 against the private respondents for offence under Sections 143 and 353 of I.P.C.

5.The grievance of the petitioner is that till date the Revenue Authorities are not permitted to conduct the survey and fix the boundaries inorder to enable the petitioner to fence the property. Hence, the present writ petition was filed before this Court.



W.P.No.33771 of 2023

WEB COPY

6.Taking into consideration the facts and circumstances of the case and the earlier orders passed by this Court and also the fact that the civil Court decree also went in favour of the petitioner, there shall be a direction to the third respondent to provide Police protection in order to enable the respondents 4 and 5 to conduct the survey and fix the boundaries and to enable the petitioner to fence the property. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7.This writ petition is disposed of with the above directions. No costs.

06.03.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No



W.P.No.33771 of 2023

WEB COPY

To

- 1.The District Collector,
Thirupattur District.
- 2.The Superintendent of Police,
Thirupathur District,
Thirupathur.
- 3.The Inspector of Police,
Jolarpettai Police Station,
Thirupatthur District.
- 4.Tahsildar,
Thirupathur,
Thirupathur District.
- 5.The Surveyor,
Thirupathur Taluk,
Thirupathur District.
- 6.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



WEB COPY



W.P.No.33771 of 2023

N.ANAND VENKATESH,J.
pri

W.P.No.33771 of 2023

06.03.2024