



W.P(MD)No.5698 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.5698 of 2024

S.Ravichandran

... Petitioner

Vs

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Inspector of Police,
Town Police Station,
Aruppukottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give necessary Police protection at the time surveying the land in Town Survey No.5/14 and 5/15 measuring 76932 Square feet, situated at Aruppukottai Town Survey Ward E, Block 4, Aruppukottai Taluk, Virudhunagar District on the basis of the petitioner's representation, dated 24.02.2024, within a stipulated time as fixed by this Court.



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For Petitioner : Mr.A.Dharani
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

The learned Counsel appearing for the Petitioner submitted that the Petitioner is the Secretary in Aruppukottai Kaikani Motha Viyabarigal Sangam (Registered No.132/2021). The members of the Association are fruit and vegetable vendors of Arupukkottai main bazar. Since the Main Bazar is crowded during loading and unloading, it causes hindrance to the traffic in the city. The Association had decided to purchase a land outside the Arupukkottai Town. Accordingly, they had purchased a property in Town Survey No.5/14 and 5/15, measuring 76932 sq.ft situated at Aruppukottai Town survey ward E, Block 4, Aruppukottai Taluk, Virudhunagar District, through the registered sale deed, dated 23.03.2022. When the members of the association attempted to put up construction, the adjacent land owner with malicious motive to create hindrance, prevented the members of the association from putting up constructions. Therefore, the Petitioner had filed a writ petition in W.P(MD)No.23304 of 2023 and the petition was ordered on 08.02.2024. In the light of the order passed in W.P(MD)No.23304 of 2023, the



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Petitioner along with surveyor went to the property for surveying the land, for which, the adjacent land owners protested. Therefore, the Petitioner seeks police protection for the surveyor and the revenue officials to survey the land, so that they can put up construction and shift the vegetables and fruit merchants from the existing bazar to the spacious shops to be constructed by the said association.

2.In cases of this nature, the Tahsildar is the necessary party as Executive Magistrate as well as the Head of the Revenue Department for the taluk. Therefore, survey will be carried out under the direct supervision of the Tahsildar concerned.

3.Considering the above, the Superintendent of Police, Virudhunagar and the Inspector of Police, Virudhunagar Town Police Station, are directed to extend police protection to the revenue and survey officials. The Tahsildar, Aruppukottai Taluk shall have the powers of the Executive Magistrate to pass appropriate orders regarding survey of the land.



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4.The learned Government Advocate (Crl.Side) undertakes that they are ready to abide by the direction of this Court as per the earlier order passed in the writ petition, the Tahsildar is a party to the W.P(MD)No.23304 of 2023.

5.Therefore, the Tahsildar, Aruppukottai Taluk, has all the powers of the Executive Magistrate to pass appropriate orders. The Superintendent of Police, shall provide police protection and the Petitioner shall pay necessary charges to the Police Personnel, who attending bandobust duty, as per the circular of the Director General of Police, Head of State Police Force, Chennai-4, issued in Rc.No. 193784/PAC-2/2017, dated 19.03.2019.

6.With the above directions, this writ petition stands disposed of.

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Index :Yes/No
Internet: Yes/No
LR



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To

WEB COPY

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police,
Town Police Station,
Aruppukottai,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

LR

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