



W.P.No.17767 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.17767 of 2022

Marcus Frederick Lazaro

... Petitioner

Vs.

1.The District Collector,
Nilgiris District,
Ooty – 643 001.

2.The Assistant Director of Survey,
Survey and Land Records,
Finger Post,
Udhagamandalam – 643 006.

3.The Tahsildar,
Taluk Office,
Hospital Road, Jail Hill,
Ooty – 643 001.

4.The Superintendent of Police,
The Nilgiris.

5.The Inspector of Police,
Masinagudi Police Station,
Masinagudi,
The Nilgiris District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 4th and 5th respondents to render police aid to the 3rd respondent and also to the petitioner and his helpers during the survey of the lands in Masinagudi and Sholur Villages i.e. In Masinagudi Village S.No. 87 extent Ac. 9.87, S.No. 90 extent Ac. 3.43, S.No. 93 extent Ac. 2.08, S.No.94 extent Ac. 29.83, S.No. 113C extent Ac. 3.30, S.No. 113 A extent Ac. 11.09 out of 14.09, S.No.241A extent Ac.90.24, S.No. 241C extent Ac.02.27, Survey No. 238/B extent Ac. 30.86, S.No. 242A extent Ac. 12.82, In Sholur Village Survey No. 415 extent Ac.8.93 (Total extent 202.72 acres) within a stipulated period fixed by this Court

For Petitioner : No appearance

For RR-1 to 3 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that they have already handed over the bundle to the petitioner and given change of vakalat. Hence, the learned counsel requested the name of the counsel to be deleted.



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2.This writ petition has been filed for the issue of writ of mandamus directing the fourth and fifth respondents to provide police protection at the time of conducting survey in the subject property.

3.Considering the limited relief sought for in this writ petition, this Court thought it fit to go through the materials and hear the learned Additional Government Pleader and pass final orders.

4.The third respondent has filed a counter and the relevant portion is extracted hereunder:

“5. It is submitted that as directed by this Hon'ble Court, the Survey department officials commenced the survey of the lands on 18.04.2022 and they were able to conduct the survey only for a day or two. Thereafter few local persons with vested interests prevented the survey officials from proceeding with the survey and hence the survey was stopped. Hence, this respondent addressed a letter on 25.04.2022 to the Superintendent of Police and also to the 1st and 2nd respondents for rendering police assistance during the survey. At this stage, the present Writ Petition is filed by the petitioner.”



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5.In the light of the above stand taken by the third respondent, as and when any survey is conducted in the subject property, the same shall be done in-line with the title documents and in the presence of the rival parties. If there is any disruption, which may lead to law and order problem, the police protection can be sought for and the fifth respondent will provide for police protection.

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

14.02.2025

Index :Yes/No
Internet:Yes/No
Speaking/Non speaking order
rsi



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To

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- 5.The Inspector of Police,
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N. ANAND VENKATESH, J.

rsi

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