



W.P.(MD)No.13585 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.13585 of 2025

P.Sethuraman

... Petitioner

versus

1. The District Collector,
Madurai District,
Madurai.
2. The Revenue Divisional Officer,
Usilampatti,
Madurai District.
3. The Deputy Superintendent of Police,
Peraiyur,
Madurai District.
4. The Thasildar,
Taluk Office,
Peraiyur Taluk,
Madurai District.
5. The Inspector of Police,
Peraiyur Police Station,
Peraiyur,
Madurai District.
6. A.Kasimayan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,



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praying for the issuance of Writ of Mandamus, to direct the 3rd and 5th respondents to provide adequate police protection at the time of measurement of common pathway in Survey No.261/2B4 of Kallappanpatti Village, Peraiyur Taluk, Madurai District, as per the proceedings of the 4th respondent in Na.Ka.No.5662/2024/S dated 11.03.2025.

For Petitioner : Mr.A.Rajaram
For R1, R2 and R4: Mr.F.Deepak,
Special Government Pleader
For R3 and R5 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

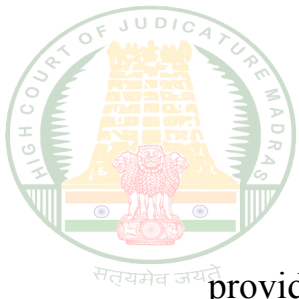
The petitioner, with a grievance that a public pathway has been encroached by one Kasimayan, has filed a writ petition before this Court in W.P.(MD)No.2969 of 2015, seeking a Writ of Mandamus to remove the encroachment made by the 6th respondent in the public pathway in Survey No.261/2B4 of Kallappanpatti Village, Peraiyur Taluk, Madurai District. This Court, by its order dated 11.07.2023, held that any form of encroachment in a public pathway cannot be permitted and directed the Thasildar, Melur Taluk, to remove the encroachment from the public pathway within a period of twelve weeks from the date of receipt of a copy of this order.



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2. The petitioner claims that based on his representation, the 4th respondent, namely, the Thasildar, Peraiyur Taluk, even in the year 2010, has issued a notice in Na.Ka.No.4157/2010 under Section 133(1) of Cr.P.C. to remove the encroachment through the revenue officials. At that point of time, the encroacher has filed a civil suit in O.S.No.433 of 2014 before the District Munsif Court cum Judicial Magistrate, Peraiyur Taluk, Madurai District and after the demise of the plaintiff, no steps were taken to implead the legal heirs of the plaintiff and therefore, the suit in O.S.No.433 of 2014 was dismissed on 27.04.2022. Thereafter, pursuant to the order of this Court, an enquiry was conducted by the Revenue Inspector, Sedapatti. The Revenue Inspector, Sedapatti, has also filed a report dated 04.09.2023 confirming the encroachment in the common pathway. Therefore, in order to remove the encroachment, the 4th respondent, namely, the Thasildar, Peraiyur, vide his proceedings in Na.Ka.No.5662/2024/S dated 17.02.2025 requested the 5th respondent, namely, the Inspector of Police, Peraiyur Police Station, to provide police protection at the time of measurement in Survey No.261/2B4 & 3C. However, police protection was not provided. Therefore, again, the 4th respondent, by his proceedings in Na.Ka.No. 5662/2024/S dated 11.03.2025, requested the 3rd respondent, namely, the Deputy Superintendent of Police, Peraiyur Taluk, Madurai District, to



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provide police protection for removal of encroachment. Even on this request also, police protection was not provided. Therefore, the petitioner has filed this writ petition seeking a writ of mandamus to direct the respondents 3 to 5 to provide adequate police protection at the time of measurement in the public pathway in Survey No.261/2B4 of Kallappanpatti Village, Peraiyur Taluk, Madurai District, as per the request of the 4th respondent in Na.Ka.No.5662/224/S dated 11.03.2025.

3. Considering the submissions of the petitioner, this Court, by its earlier order dated 23.06.2025, expected a report from the Superintendent of Police, Madurai District, for the failure on the part of the 5th and 3rd respondents in not providing the police protection on the request made by the Thasildar.

4. The Superintendent of Police, Madurai District, has filed a report that they could not provide police protection as per the request of the Thasildar on 26.02.2025, on account of Mahashivarathiri festival celebrated throughout the Madurai District. Since it is an important event, the police personnel were deployed throughout the District to ensure the peaceful celebration of the festival. Based on the second request made by the



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Thasildar, the Inspector of Police along with the Sub Inspector of Police and a Police Constable were deputed to provide protection during the survey on 17.03.2025. However, a large crowd of people gathered at the spot. Therefore, the Surveyor, the Revenue Inspector and the Village Administrative Officer themselves decided to stop the survey. At the request of the Revenue Inspector, the survey was stopped. However, they have provided police protection.

5. This Court considered the rival submissions made.

6. The petitioner has approached the authorities and also the Court that a public pathway has been encroached by the 6th respondent and he also got an order for removal of encroachment from this Court. The Thasildar, Peraiyur, has also taken some initiatives to remove the encroached portion by conducting survey. It appears that the survey could not be conducted on 26.02.2025, since the police protection was not provided. Though the police personnel were deputed to provide protection for conducting survey on 17.03.2025, there was a large crowd during the survey and therefore, the survey could not be conducted.



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7. Nobody can take the law into their hands. It is the responsibility of the police officials to ensure the rule of law. If the Revenue Officials are not in a position to survey the land pursuant to the order of this Court, then, it exposes the lawlessness in the District.

8. The Superintendent of Police is directed to provide adequate police protection and also ensure that the survey officials are discharging their duty without any threat or fear in complying with the order of this Court. If anybody takes the law into their hands, necessary action shall be taken as against those persons.

9. With the above direction, this writ petition is disposed of. No costs.

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NCC : Yes/No
Index : Yes/No
Internet: Yes
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Madurai Bench of Madras High Court,
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B.PUGALENDHI, J.

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