



W.P.Crl.(MD)No.2913 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **03.06.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.Crl.(MD)No.2913 of 2026

Zahir Hussain

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by The Inspector of Police,
Melur Police Station,
Madurai District.

2.Elammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to give a police protection for fencing the petitioner's agricultural land in Survey No.63/6B, total extent is 83 cents, Survey No.63/6A, total extent 41 cents, totally 1 acre 24 cents in patta No.2050 both the properties situated at Poonjuthi Village, Melur Taluk, Madurai District, based on petitioner's representation dated 01.03.2026 within a specific period as fixed by this Court.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.S.Arun Arockiasamy

Government Advocate (Crl.)



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ORDER

Seeking to direct 1st respondent to give police protection for fencing the petitioner's agricultural land in Survey No.63/6B, total extent is 83 cents, Survey No.63/6A, total extent 41 cents, totally 1 acre 24 cents in patta No.2050 both the properties situated at Poonjuthi Village, Melur Taluk, Madurai District, based on petitioner's representation dated 01.03.2026, this writ petition is filed.

2. Since no adverse order is passed against the private respondent, notice to the private respondent is dispensed with.

3. The learned Government Advocate(Crl.side) on instructions submitted that with regard to the complaint received from the petitioner, enquiry is pending.

4. Heard the learned counsel on either side and carefully perused the materials available on record.

5. In view of the above, the respondent police is directed to put the petitioner as well as the 2nd respondent on notice under Section 64 BNSS and



after giving an opportunity of hearing, conclude the enquiry within a period of

four (4) weeks from the date of receipt of copy of this order. If the 2nd respondent raises objection for fencing and seeks for survey, survey may be conducted subject to the following conditions :

(I) The petitioner is directed to submit their application in on-line mode. The survey authority will scrutinize if the application submitted by the petitioner is in order.

(II) The petitioner will have to enclose all the relevant documents such as patta.

(III) The survey authority will issue notice to the writ petitioner, as well as the adjacent land owners and also to the interested persons, if any, including the private respondents.

(IV) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(V) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objectors can move the concerned Court for injunction. If before the proposed date of survey, the objectors are unable to obtain any injunction order, the



survey can very well go on.

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(VI) It is open to the parties to serve memo of instructions to the surveyor at the time of conducting survey. The same will be borne in mind. While it cannot be binding on the surveyor, the same will be taken note of.

(VII) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicants to move the jurisdictional civil Court for agitating their rights.

(VIII) The instant case is filed particularly seeking police protection for the conduct of survey. In this regard, if required, the respondent police is directed to afford necessary police protection on payment of necessary charges in terms of GO.Ms.No.139, Home (Pol-VIII) Department, dated 04.03.2019.

(IX) The survey authority will conclude the entire exercise one way or the other within a period of six weeks after service of notice on the interested persons.

(X) A copy of the survey report along with sketch will be served on the parties.



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WEB COPY 6. With the above directions, this Writ Petition stands disposed of.

03.06.2026

NCC : Yes / No
Index : Yes / No
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TO:-

1. The The Inspector of Police,
Melur Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
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Dated
03.06.2026