

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13849 of 2016

J. Saraswathi

[Petitioner]

Vs

- 1 The District Collector
Collectorate Nagapattinam District
Nagapattinam
- 2 The Tahsildar
Tharangambadi Taluk Office
Nagapattinam District
- 3 Inspector of Police
Poraiyar Nagapattinam District [Respondents]

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 2nd Respondent to measure the land by metes and bounds belonging to the petitioner situated at Eduthukatti Village in S No.320/8 320/9 322/3B 322/4B 322/5B and to direct the 3rd Respondent to give police protection to the petitioner during the measurement of the land belonging to the petitioner with a time frame

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.K.Thangapandi, GA

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ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the 2nd Respondent to measure the land by metes and bounds belonging to her situated at Eduthukatti Village in S.Nos.320/8, 320/9, 322/3B, 322/4B and 322/5B and to direct the 3rd Respondent to give police protection to her during the measurement of the land belonging to her with a time frame.

2. It is the case of the petitioner that she purchased the landed property from one Haji Mohamed, residing at No.2-610, 63, Eduthukkatti Village, Tharangambadi Taluk, Nagapattinam District, admeasuring 0.27.0 cents in S.No.320-9, 0.37.0 cents at S.No.320-8 and 0.37.5 cents at S.No.320-4F. The said sale was duly registered before Sub Registrar, Tharangampadi in document No.867/2009 on 05.08.2009 and since the date of purchase, she is in possession of the same and patta was issued to her bearing No.1265. The petitioner also purchased the property from one M.Jannathkani, aged about 63 years, who is the wife of A.Mohamed Ali, for a valid consideration of Rs.10,000/- admeasuring 03 cents in Nanjai S.No.322/3, 03 cents in Nanjai S.No.322-4 sub division No.4, 03 cents in Nanjai S.No.322/5 sub division No.5 on 31.05.2012. The sale was duly executed by way of sale and it was duly registered in document No.608/2 at Sub Registrar Office, Tharangampadi, Nagapattinam district and since the date of purchase, the petitioner is in possession of the same and patta was issued to the petitioner bearing No.1359. Whiles, the petitioner had taken steps to measure the lands through surveyor. At that time, the land owners adjacent to the petitioner's land created a problem and the petitioner's husband lodged a complaint and obtained receipt No.170/14 dated 11.05.2014. On 26.05.2014, the petitioner applied to the Tahsildar, Tharangambadi to measure her lands in S.Nos.320/8 and 320/9 of Eduthukatti Revenue Village. No steps were taken to measure the lands. Again the petitioner made another application on 08.02.2016. However, the same was not considered. Whiles, the owner of the property adjacent to the petitioner's property issued a legal notice dated 26.03.2016 to the petitioner and her husband accusing that they are trying to encroach their property upon preparing a sketch with wrong measurements. On 28.03.2016, the petitioner's husband made a complaint before the 3rd respondent against the adjacent land owner. Now, the present writ petition is filed for the above stated relief.

3. Heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.K.Thangapandi, learned Government Advocate, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this Court directs the 2nd respondent to consider the representation of the petitioner dated 08.02.2016 and conduct enquiry with regard to the Survey Numbers in question and pass appropriate orders on the same after affording an opportunity of personal hearing to the petitioner as well as to the adjacent owners. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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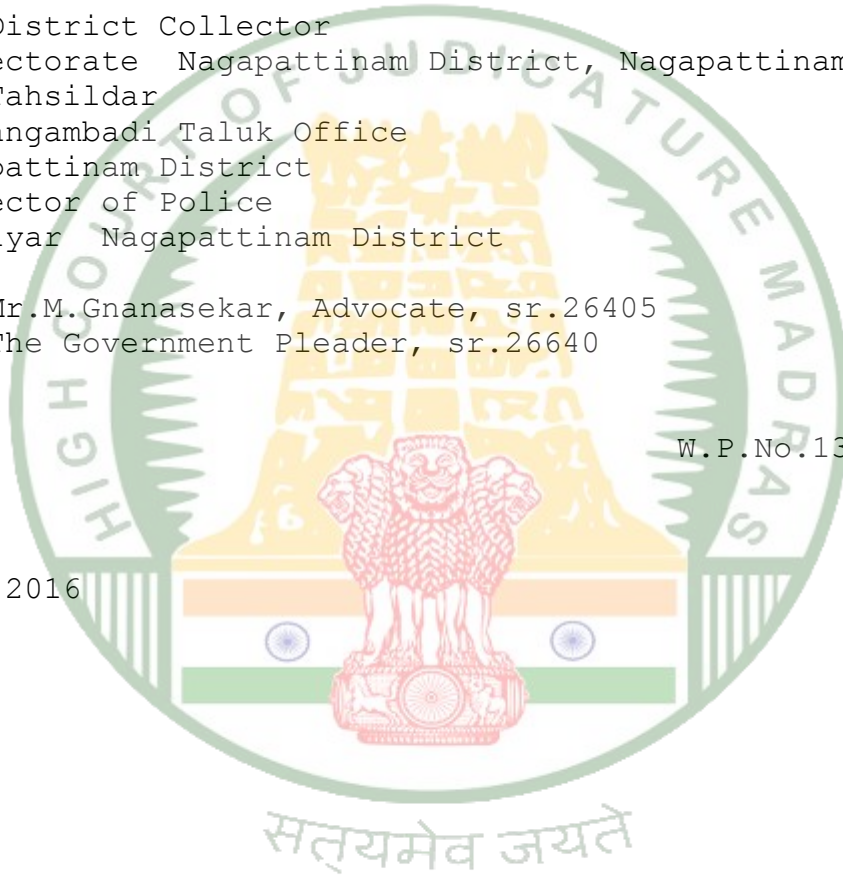
To

- 1 The District Collector
Collectorate Nagapattinam District, Nagapattinam
- 2 The Tahsildar
Tharangambadi Taluk Office
Nagapattinam District
- 3 Inspector of Police
Poraiyar Nagapattinam District

+1 cc to Mr.M.Gnanasekar, Advocate, sr.26405
+1 cc to The Government Pleader, sr.26640

W.P.No.13849 of 2016

ug co
kra 29.04.2016



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