

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.35888 of 2015

R.Saroja

... Petitioner

Vs.

The Deputy Commissioner of Police,
NM Road, Avadi, Chennai-54.

2.The Inspector of Police,
T1 Tank Factory Police Station,
Avadi, Chennai-54.

3.Sambasivam

4.Venkatesan

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 and 2 to give protection to the Taluk surveyor, Ambattur Taluk and the petitioner to measure the land comprised in S.No.434/6c of Morai Village, measuring and extent of 31 cents, Ambattur Taluk, Thiruvallur District.

For Petitioner : Mr.D.Senthil Kumar

For respondents : Mr.Sanjay Gandhi, AGP for R1 and 2.
Mrs.R.Meenakshi for R3 and R4.

ORDER

The petitioner has come forward with the present Writ Petition seeking for issuance of Mandamus to direct the respondents 1 and 2 to give protection to the Taluk surveyor, Ambattur Taluk and the petitioner to measure the land comprised in S.No.434/6c of Morai Village, measuring and extent of 31 cents, Ambattur Taluk, Thiruvallur District.

2.The petitioner owning 23.5Ares comprised in S.No.434/6C Morai Village, Ambattur Taluk, Thiruvallur District, the said land originally belongs to petitioner's husband/Rangappa Naidu and his brother/Subbrayalu Naidu, they inherited the same from their ancestors. The Special Tahsildar, Land Records and Development Plan, Saidapet issued patta bearing No.455 in

S.No.434/6C to an extent of 23.5Ares on 16.10.1986 in favour of the petitioner's husband and his brother. The present patta No.618 was issued by the Zonal Deputy Tahsildar, Ambattur to the said property. The revenue records are also duly mutated in their name viz., extract of "A" register and SLR.

3. Whiles, in the presence of village panchayat, the land measuring to an extent of 31cents in S.No.434/6C was allotted to the petitioner's husband. The petitioner's husband/Rangappa Naidu died intestate on 09.05.1955 leaving behind the petitioner as his wife and two children (i) Kumari and (2) Devija as his absolute legal heirs. Thereafter, the petitioner was in absolute joint possession of the property and was residing away from the said land. During 2015, the petitioner visited the property and came to understand the neighbour/respondents 3 and 4 herein and others attempted to encroach the property in the absence of boundary stone.

4. The petitioner approached the Tahsildar, Ambattur Taluk and requested to depute the surveyor to survey the said property. The petitioner submitted a written representation on 11.05.2015, enclosing the challan for statutory payments for surveying the land, along with SLR, chitta, Adangal and "A" register to measure the land and for marking the boundary. The petitioner also submitted a representation dated 21.05.2015 to the Tahsildar, Ambattur Taluk, the same was also duly served. The revenue department officials failed to respond the request made by the petitioner by giving evasive reply. The petitioner approached the Tahsildar to fix land surveyor to measure the land and the same was also not considered. Hence, the petitioner filed WP.No.16185 of 2015 before this Court to consider the representation of the petitioner dated 21.05.2015. This Court by an order dated 15.06.2015, directed the Tahsildar, Ambattur to depute the surveyor to measure the land.

5. In pursuant to the order of this Court, on 30.09.2015, the petitioner accompanied with the Taluk Surveyor to measure and fix boundary stone in the said property. At that point of time, the respondents 3 and 4 herein along with five other persons have picked up quarrel with the petitioner and illegally obstructed the Taluk Surveyor from carrying on his duties. Thereafter, the petitioner approached the Tahsildar, Ambattur and the Taluk Surveyor to measure the land, but they were reluctant to measure the property due to the illegal activities of the respondents 3 and 4. The petitioner being a senior citizen aged about 78 years, now approached this Court to direct the respondents 1 and 2 to give police protection to the Taluk Surveyor, Ambattur to measure the land in S.No.434/6C, Morai Village, Ambattur Taluk, Thiruvallur District.

6.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondents 1 and 2 and the learned counsel appearing for the respondents 3 and 4.

7.Considering the facts and circumstances and without going into the merits of the claim of the petitioner, this Court directs the petitioner to submit fresh representation seeking police protection alongwith the copy of this order before the second respondent, within one week from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider and pass appropriate orders on merits, for giving police protection to the Taluk Surveyor to measure the land in S.No.434/6C of Morai Village, Ambattur Taluk, Thiruvallur District, within a period of four weeks, thereon.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Commissioner of Police,
NM Road, Avadi, Chennai-54.

2.The Inspector of Police,
T1 Tank Factory Police Station,
Avadi, Chennai-54.

+1cc to the Government Pleader, S.R.No.21772
+1cc to Mr.D.SenthilKumar, Advocate, S.R.No.21708
+1cc to Mr.R.Meenakshi, Advocate, S.R.No.21785

W.P.No.35888 of 2015

ca (CO)
srg (27/04/2016)