



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2016

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THE HONOURABLE DR.JUSTICE S.VIMALA

Crl.O.P(MD)No.15230 of 2016

1.S.Kumaresan

2.S.Muthukumar

.. Petitioners

.Vs.

1.The Inspector of Police
Vedasandur Police Station
Dindigul District

2.The Sub Inspector of Police,
Koombur Police Station
Vedasandur Taluk,
Dindigul District

3.Muniyappan

.. Respondents

PRAYER:Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the respondent police to grant police protection to the petitioners to measure the property with the help of Revenue Officials in respect of the property described in Survey Nos.812/2, 813/A, 813/3C, 813/1D, 902/1, 902/2 which is situate at Palapatti Village, Vedasandur Taluk, Dindigul District by considering the representation of the petitioners dated 08.08.2016.

For Petitioner :Mr.S.Siva Thilakar

For Respondents :Mr.A.P.Balasubramani

Government Advocate (Crl. side)

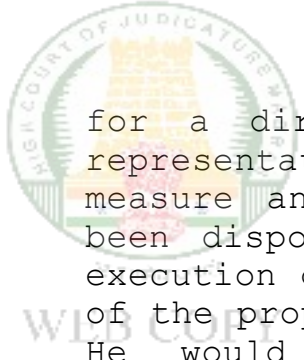
ORDER

This petition has been filed seeking a direction to the respondent police to grant police protection to the petitioners to measure the property with the help of Revenue Officials in respect of the property described in Survey Nos.812/2, 813/A, 813/3C, 813/1D, 902/1, 902/2 which is situate at Palapatti Village, Vedasandur Taluk, Dindigul District by considering the representation of the petitioners dated 08.08.2016.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents 1 and 2.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel for the petitioner would submit that already a writ petition has been filed in W.P.(MD) No.13522/2016,



for a direction to the revenue officials to dispose of the representation dated 08.07.2016, where the prayer was made to measure and demarcate the property. The said writ petition has been disposed of by an order dated 29.07.2016. Towards part of execution of the order, the petitioners wanted to take measurement of the property, in respect of which, they seek police protection. He would further submit that already an application for measurement of the property by a qualified surveyor has been submitted to the revenue Department along with requisite fees.

6. Section 10(1)(2) of the Tamil Nadu Survey and Boundaries Act, 1923 reads as follows:

"Power of survey officer to determine and record a disputed boundary.- (1) Where a boundary is disputed, the survey officer, after making such inquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision. The survey officer shall record in writing the reasons for his decision.

(2) **Notice to parties to the dispute and to registered holders of land affected.-** Notice of every decision of the survey officer under Section 10(1) shall be given in the prescribed manner to the parties to the dispute and other registered holders of the lands the boundaries of which may be affected by the decision."

4. The learned Government Advocate (Crl. Side) would submit that they are agreeable to consider the representation of the petitioner.

5. Under such circumstances, after giving opportunity of hearing to the petitioner as well as to the third respondent, the revenue officials are directed to fix the day for surveying the property, strictly following Section 10(1)(2) of the said Act. On the date to be fixed for survey, the respondents 1 and 2 shall offer necessary protection.

6. With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar (CS II)

/True copy/

Sub Assistant Registrar

To

<https://hc.services.accounts.gov.in/hc/services/> of Police

Vedasandur Police Station, Dindigul District



2.The Sub Inspector of Police,
Koombur Police Station
Vedasandur Taluk, Dindigul District

3.The Sub Inspector of Police,
Ambiligai Police Station
Ambiligai, Dindigul District

4.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Siva Thilakar, Advocate SR.No.46350

RR

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Cr1.O.P(MD)No.15230 of 2016
22.08.2016