



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2016

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P.(MD) No.16017 of 2016

P.Josin

... Petitioner

Vs.

1. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
3. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

.. Respondents

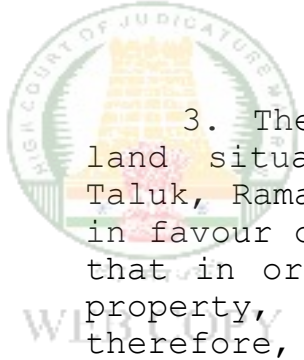
Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, seeking to direct the respondents 1 to 3 to provide adequate police protection to the petitioner during the time of measuring the land in Survey No.162/22, Mikilthagam Village, Thiruvadanai Taluk, Ramanathapuram District on the basis of the petitioner's representation dated 22.08.2016.

For Petitioner : Mr.C.Jeyaprakash
For Respondents : Mr.D.Muruganandam
Addl. Govt. Pleader

ORDER

This petition has been filed, seeking direction to the respondents 1 to 3 to provide adequate police protection to the petitioner during the time of measuring the land in Survey No.162/22, Mikilthagam Village, Thiruvadanai Taluk, Ramanathapuram District on the basis of the petitioner's representation dated 22.08.2016.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. The case of the petitioner is that the petitioner owns a land situated in S.No.162/22, Mikilthagam Village, Thiruvadanai Taluk, Ramanathapuram District, which was assigned by the Government in favour of the petitioner and a free patta was also issued to her; that in order to fix the four boundaries and to make fence in her property, it is absolutely necessary to survey the land and therefore, she made an application before the Taluk Assistant Surveyor, Thiruvadanai and also paid the necessary fees for surveying the land before the Government Treasury, Thiruvadanai; that the petitioner sent a representation to the Surveyor on 10.06.2016 and 11.06.2016 and also sent a separate representation to the respondents herein for adequate protection; since the surveyor did not consider the representation, she filed W.P.(MD) No.11027 of 2016, which was disposed of by this Court, directing to pass a detailed order on the representation of the petitioner dated 10.06.2016; subsequently, the Surveyor fixed the date as 19.08.2016 for surveying her land; since the Surveyor apprehended danger at the hands of the neighbours of the petitioner, the petitioner approached the 3rd respondent for providing protection and since there was no action on the part of the 3rd respondent, the petitioner filed Crl.O.P.(MD) No.10024 of 2016 seeking police protection, which was disposed of by this Court with an observation that on the mere apprehension, protection cannot be afforded and if any problem arises, liberty was given to the petitioner to approach the concerned Police / Court.

3.1. It is submitted by the petitioner that when the Surveyor visited her land on 19.08.2016 for the purpose of survey, her neighbours, namely, Charles, Velankanni and Vedammal objected to the same and caused hindrance to the Surveyor, which compelled her for approach the 3rd respondent for protection and since there was inaction on the part of the 3rd respondent, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that as per Section 10(1)(2) of the Tamil Nadu Survey and Boundaries Act, 1923, the Surveyor is authorised to survey the land and the Surveying Officer can get assistance of police officials. He would further contend that necessary fee has already been paid for surveying the said property and suitable direction may be issued to the 3rd respondent for providing adequate protection for surveying the land of the petitioner.

5. 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."

6. Under such circumstances, the third respondent shall offer necessary protection for survey of the land in question, on the date fixed for survey and the concerned Surveyor shall give notice to the petitioner as well as to the parties contemplated under Section 10(2) extracted supra and fix the day for surveying the property, strictly following Section 10(1)(2) of the said Act.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
3. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

+ 1 CC TO MR.S.MUTHUKUMAR, ADVOCATE IN SR No. 47387
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 47458

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TE/SS-3/SAR-III : 16/09/2016 : 3P/6C

W.P. (MD) No.16017 of 2016
26.08.2016