



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2016

CORAM

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P(MD)No.18113 of 2016

V.Thamilarasi

... Petitioner

-vs-

1.The Superintendent of Police,
Sivagangai District.

2.The Thasildar,
Thasildar Office, Thiruppathur Taluk,
Sivagangai District.

3.The Inspector of Police,
Nerkkuppai Police Station,
Nerkkuppai,
Sivagangai District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first and third respondents to give police protection to the petitioner and her family members during the survey and sub division made by the second respondent as per the Tamil Nadu Survey and Boundaries Act, 1923, to the vacant house site in patta No.604 in New Survey No.536-31 to the extent of 75 Sq. meter, 807.3 Sq.ft. at Karaikudi registration District, Thiruppathur Taluk, Ponamaravathi Sub-Registrar Office, Nerkkuppai Group, Keelnerkuppai Village, Nerkkuppai Town, New Ward No.7, Karuppar Kovil Street with the four boundaries of East: Samyadi Sinayaveedu, West: Anusuya House, North: East-West Road, South: East-West santhu pathway and further more direct the second respondent to survey and sub-divide the petitioner's vacant house site, in patta No.604 in New Survey No.536-31 to the extent of 75 sq. meter, 807.3 sq.ft., at Karaikudi Registration District, Thiruppathur Taluk, Ponamaravathi Sub Registrar Office, Nerkkuppai Gurup, Keelnerkuppai Village, Nerkkuppai Town, New Ward No.7, Karuppar Kovil Street, with the four boundaries of East: Samyadi Sinayaveedu, West: Anusuya House, North: East-West Road, South: East-West santhu pathway within the stipulated period fixed by this Court.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.K.P.Krishna Doss
Government Advocate

**ORDER**

The Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first and third respondents to give police protection to the petitioner and her family members during the survey and sub division made by the second respondent of the vacant house site in patta No.604 in New Survey No.536-31 to the extent of 75 Sq.meter, 807.3 Sq.ft. at Karaikudi registration District, Thiruppathur Taluk, Ponamaravathi Sub-Registrar Office, Nerkkuppai Group, Keelnerkuppai Village, Nerkkuppai Town, New Ward No.7, Karuppar Kovil Street.

2.Mr.K.P.Krishna Doss, learned Government Advocate, takes notice for the respondents. By consent, the Writ Petition itself is taken up for final disposal.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4.Mr.R.Rajaraman, learned counsel appearing for the petitioner would submit that the petitioner purchased the property through a registered sale deed, dated 20.09.2013 and thereafter, patta was transferred in her name on 17.07.2015. The petitioner has paid necessary charges to the second respondent to survey the property and that at the time of survey, if there is any objection from the neighbouring landlord, as per Section 10 of the Tamil Nadu Survey and Tenants Act, 1923, the second respondent can conduct an enquiry and thereafter, survey can be carried out. The third respondent has an obligation to give protection during the survey.

5.The learned Government Advocate would submit that, if there is any request from the second respondent, the third respondent is ready to give police protection to the petitioner.

6.In view of the above submissions made on either side, the second respondent is directed to survey the land and the said exercise shall be done by the second respondent within a period of three months from the date of receipt of copy of this order and the respondents 1 and 3 shall provide adequate police protection, if the second respondent needs.

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

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar



To

1.The Superintendent of Police,
Sivagangai District.

2.The Thasildar,
Thasildar Office, Thiruppathur Taluk,
Sivagangai District.

3.The Inspector of Police,
Nerkkuppai Police Station,
Nerkkuppai,Sivagangai District.

+1 CC to M/s.R.RAJARAMAN, Advocate, SR No.54814

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.54985

W.P (MD) No.18113 of 2016
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ps

SH/SKS-RR :18.10.2016:3P/6C