



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2017

CORAM:

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.(MD)No.18400 of 2017

and

W.M.P.(MD)No.14837 of 2017

N.Chelladurai

... Petitioner

Vs.

1.The Thasildar (Land & Boundary Survey Section),
Palayamkottai Taluk,
Kokkirakulam,
Tirunelveli District.

2.The Inspector of Police,
Tirunelveli Taluka Police Station,
Tirunelveli District.

3.Sundara Moopanar

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the first respondent or any other competent officer under him to expedite the enquiry over the survey appeal representation dated 13.09.2017 of the petitioner and consequently direct the second respondent to provide police protection to the petitioner for the ongoing reconstruction of his mud house in his survey No.391/15 in chakra Vinayagar Koil Street Barkitmanagar 627351 Naduvaikurichi Village, Palayamkottai Taluk, Tirunelveli District.

For Petitioner : Mr.P.Bhaskar

For Respondents 1 & 2 : Mr.A.K.Baskara Pandian

Special Government Pleader

O R D E R

This writ petition has been filed by the petitioner for issuance of a writ of Mandamus, directing the first respondent or any other competent officer under him to expedite the enquiry over the survey appeal representation, dated 13.09.2017 of the petitioner and consequently direct the second respondent to provide police protection to the petitioner for the ongoing reconstruction of his mud house in his survey No.391/15 in chakra Vinayagar Koil Street Barkitmanagar 627351 Naduvaikurichi Village, Palayamkottai Taluk, Tirunelveli District.

<https://hcservices.courts.mv.in/Acs/Services> Mr.A.K.Baskara Pandian, learned Special Government Pleader, takes notice for the respondents 1 & 2. By consent, the writ petition itself is taken up for final disposal.



3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 & 2.

4. The learned counsel appearing for the petitioner would submit that without informing the petitioner, the first respondent surveyed the land of the petitioner. Therefore, the action of the first respondent is totally violating the principle of natural justice. When the dispute is pending between the petitioner and the third respondent, it is the bounden duty of the first respondent to issue notice to both the parties and thereafter to measure the property. But without doing the same, the first respondent measured the property. Therefore, the petitioner filed an appeal before the first respondent, dated 31.08.2017.

5. Considering the above facts, without going into merits of the case, the first respondent is directed to consider the petitioner's appeal representation, dated 13.09.2017 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order by giving opportunity to the petitioner as well as the third respondent.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Vacation Officer/
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Thasildar (Land & Boundary Survey Section),
Palayamkottai Taluk,
Kokkirakulam, Tirunelveli District.

2. The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.81468

+One cc to Mr.P.Bhaskar, Advocate, SR.No.81423

am/mrn/ls

RL/5C/2P/SV/MMS/SAR2/6/10/2017

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and
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