



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.2939 of 2017

C.Shalini

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Tasildhar,
Kalkulam Taluk,
Kanyakumari District.

3. The Land Surveyor,
Office at Kalkulam Taluk,
Kalkulam,
Kanyakumari District.

4. The Inspector of Police,
Kulasekaram police Station,
Kanyakumari District.

... Respondents

5.R.Vino

6.R.Venu

... Respondents 5 and 6

(5th and 6th respondents are impleaded as party respondents vide order of this Court dated 20.06.2017, passed in WMP(MD).No.2633 of 2017 in WP(MD).No.2939 of 2017)

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to measure the petitioner's land in Survey No.52/17, Thumbakodu Village, Kalkulam Taluk, Kanyakumari District and identify the four boundaries of the land with the assistance of the 4th respondent police and issue separate patta based on the petitioner's representation dated 14.01.2017 and 01.02.2017 within the time stipulated by this Court.



For Petitioner

: Mr. Ananth C. Rajesh

For R1 to R4

: Mr. M. Alagathevan

Special Government Pleader

For R5 and R6

: No appearance

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ORDER

The prayer sought for in the Writ petition is for issuance of Writ of Mandamus directing the respondents 2 and 3 to measure the petitioner's land in Survey No.52/17, Thumbakodu Village, Kalkulam Taluk, Kanyakumari District and identify the four boundaries of the land with the assistance of the 4th respondent police and issue separate patta based on the petitioner's representation dated 14.01.2017 and 01.02.2017.

2. The case of the petitioner is that she is the absolute owner of the land to an extent 8-1/4 cents in Survey No.52/17, Thumbakodu Village, Kalkulam Taluk, Kanyakumari District. A joint patta was issued by the second respondent in Patta No.1887. Since she was unable to utilize the land independently, she applied to the second respondent for issuance of separate patta after demarcating her land on 29.12.2016.

3. It is further stated that the petitioner has paid necessary fees for demarcating her land. The third respondent visited the property on 05.01.2017 for fixing the boundaries. The third respondent had conducted survey and demarcated the boundaries, but boundaries stone were not put up in the land, in view of the objection by the third parties. So, the petitioner has submitted a letter to the 4th respondent to give police protection for the next survey fixed on 31.01.2017. However, the fourth respondent police did not give protection on the ground that there is no sufficient police force. So the Survey could not be carried out till date.

4. Heard Mr. Ananth C. Rajesh, learned Counsel appearing for the petitioner, Mr. M. Alagathevan, learned Additional Special Government Pleader appearing for the respondents 1 to 4. There is no representation for the respondents 5 and 6.

5. Considering the limiter prayer sought for in the Writ Petition and the submissions made by the learned Counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 4, without going in to the merits of the case, this Court directs the second respondent to consider the representation of the petitioner dated 14.01.2017 and take action in accordance with law, after provide necessary opportunities to the necessary parties within a period of eight weeks. If any request is made by the second respondent to the fourth respondent, Inspector of Police, Kulasekaram Police Station, Kanyakumari District is directed to provide police protection for conducting survey.



6. Accordingly, this Writ Petition is disposed of. Consequently, connected Writ Miscellaneous petition is closed. No costs.

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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Tasildhar,
Kalkulam Taluk,
Kanyakumari District.
3. The Land Surveyor,
Office at Kalkulam Taluk,
Kalkulam,
Kanyakumari District.
4. The Inspector of Police,
Kulasekaram police Station,
Kanyakumari District.

+ 1 CC TO Mr. ANANTH C. RAJESH, ADVOCATE IN SR No. 61007
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 61474

DSS/MSA

TE/KP/SAR-I : 06/07/2017 : 3P/7C

W.P. (MD) No. 2939 of 2017
20.06.2017