



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 15.04.2019

Delivered on : 15.07.2019

CORAM

WEB COPY

**THE HONOURABLE MR. JUSTICE B. PUGALENDHI**

WP (MD) No. 21574 of 2015

and

WMP (MD) Nos. 802 and 13378 of 2016

V. Ravichandran

... Petitioner

Vs.

1. The District Collector, Madurai -1.

2. The Superintendent of Police,  
Madurai District, Madurai - 625 001.

3. The Thasildar,  
Taluk Office, Thirumangalam,  
Madurai District.

4. The Deputy Superintendent of Police,  
Thirupparankundram, Madurai.

5. The Inspector of Police,  
Austinpatti Police Station,  
Thirunagar, Madurai.

6. Rajamuthu

... Respondents

[R-6 is impleaded vide Court order, dated  
11.12.2015 in MP (MD) No. 1 of 2015 ]

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 24.11.2015 within the stipulated time as fixed by this Court to direct the 2<sup>nd</sup> respondent / the Superintendent of Police, Madurai, to give adequate Police Protection to the 3<sup>rd</sup> respondent / the Thasildar, Thirumangalam Taluk, Madurai for enabling him to make survey and measure and subsequently, allocate the land assigned by the Government to the petitioner.

For Petitioner

: Mr. C. Masilamani

For Respondents

: Mr. R. Anandharaj,

Additional Public Prosecutor

R1 to R5

: Mr. S. M. Mohangandhi

R6

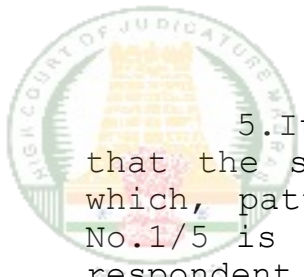
**ORDER**

This writ petition has been filed by a beneficiary under the free housing patta in the Dharmathupatti Village, for a writ of mandamus, directing the 2<sup>nd</sup> respondent to give police protection to the 3<sup>rd</sup> respondent / Tahsildar, Thirumangalam Taluk, Madurai to make survey and demarcate the lands assigned to them by considering his representation dated 24.11.2015.

2.The learned Counsel for the petitioner submitted that the petitioner and 48 others belonging to the Hindu Scheduled Caste have been assigned free housing patta in Dharmathupatti Village natham vacant places, which were under occupation of the petitioner and others over a period of 10 years. Though the assignment order was issued as early as on 09.05.2013, the places have not been demarcated by the Surveyor, in view of the objections raised by the 6<sup>th</sup> respondent. The 6<sup>th</sup> respondent, who is claiming to be the owner of the land around 2 Acre 20 Cents in Survey No. 1/5 at Dharmathupatti Village, Thirumangalam Taluk had filed a suit as against the petitioner and others, who obtained patta, in OS No.50 of 1992 before the District Munsif, Thirumangalam, for permanent injunction. The learned District Munsif, Thirumangalam by his judgment and decree dated 16.08.2000, partly allowed the suit that the plaintiff is entitled for 78 cents (170 feet from East to West and 200 feet from South to North) and granted permanent injunction as against the defendants therein. Aggrieved by the judgment and decree dated 16.08.2000, the 6<sup>th</sup> respondent had filed an appeal before the 3<sup>rd</sup> Additional Sub Court, Madurai in A.S.No.100 of 2001 insofar as the portions rejected as against him. The learned 3<sup>rd</sup> Additional Sub Judge, Madurai by his judgment and decree dated 27.10.2004 remanded the case to the District Munsif Court, Thirumangalam and as against the order, 6<sup>th</sup> respondent had also filed an appeal before this Court in CMA No.716 of 2005 and this Court by order dated 28.07.2005 granted an interim order of stay in MP(MD) No.4597 of 2005 in CMA No.716 of 2005.

3.While so, these free pattas have been issued in favour of the petitioners and 48 others by the 3<sup>rd</sup> respondent Tahsildar, Thirumangalam, on 09.05.2013, vide proceedings Na.Ka.En.6694/2013/C3.

4.According to the petitioner, he and other beneficiaries, who were issued with patta on 09.05.2013, were not parties to the suit in OS.No.50 of 1992 and they are also not aware of the scheduled mentioned properties in the subject matter of the suit in OS.No.50 of 1992. However, the 6<sup>th</sup> respondent by referring to the interim order granted by this Court in CMA No.716 of 2005, is preventing the revenue officials from conducting survey of other lands, which have been assigned to the petitioner and others by way of patta and preventing the authorities from demarcating the same.



5.It is the specific case of the 3<sup>rd</sup> respondent Tahsildar that the subject property in OS.No.50 of 1992 and the lands, for which, pattas have been issued are entirely different. The survey No.1/5 is having an extent of 8.35 acres and out of which, the 6<sup>th</sup> respondent is claiming right over 2.4 Acres only. The land, to which pattas have been issued in survey No.1/5 does not fall within the land mentioned by the 6<sup>th</sup> respondent in his schedule mentioned properties in OS.No.50 of 1992.

6.The 3<sup>rd</sup> respondent Tahsildar has made it clear by his letter Na.Ka.En.18389/2015A1/, dated 04.12.2015, despite the same, the 6<sup>th</sup> respondent is preventing the authorities from carrying out survey by referring to the interim order granted by this Court in CMA No.716 of 2005 and therefore, the petitioner has approached this Court for necessary police protection.

7.Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 to 5 and the learned Counsel appearing for respondent No.6 and perused the materials placed on record.

8.A perusal of the records would show that the petitioner and 48 others were granted pattas in Survey No.1/5 at Dharmathupatti Village, as early as on 09.05.2013, but so far, the said lands have not been measured and demarcated, due to the objections raised by the respondent.

9.It is the specific case of the third respondent that the survey No.1/5 at Dharmathupatti Village is having an extent of 8.35 Acres and out of which, the 6<sup>th</sup> respondent is claiming, only an extent of 2.40 Acres, to which no patta was issued.

10.It is the case of the 6<sup>th</sup> respondent, the pattas have been issued to the land in Survey No.1/5, at Dharmathupatti Village, which is the subject matter in O.S.No.50 of 1992, which is pending at the stage of appeal in CMA No.716 of 2005 before this Court and in the said appeal, interim stay has been granted.

11.Though pattas were issued to the petitioner and other beneficiaries as early as in the year 2013, the said lands have not been demarcated by conducting survey and measurement so far, in view of the objections raised by the 6<sup>th</sup> respondent.

12.Since, 3<sup>rd</sup> respondent Tahsildar has made it very clear that the subject property in OS.No.50 of 1992 and the lands, for which, pattas have been issued are entirely different and the survey No.1/5 is having an extent of 8.35 acres and out of which, the 6<sup>th</sup> respondent is claiming right over 2.4 Acres only and the land, to which pattas have been issued in survey No.1/5 does not fall within the land mentioned by the 6<sup>th</sup> respondent in his schedule mentioned properties in OS.No.50 of 1992, the 6<sup>th</sup> respondent is not entitled to object the demarcation of the property, which has been assigned to



the petitioner and other beneficiaries in the year 2013.

13. Therefore, the 3<sup>rd</sup> respondent shall measure the land in S.No.1/5, at Dharmathupatti, which has been assigned to the petitioner and others, with the help of a Surveyor and demarcate the properties of the petitioner and other beneficiaries within a period of two months from the date of receipt of a copy of this order by availing necessary police protection.

14. The respondent Police is directed to provide adequate police protection as and when it is required by the 3<sup>rd</sup> respondent, in order to conduct a survey as mentioned above.

15. In fine, the writ petition is allowed. No cost. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

To

1. The District Collector, Madurai -1.

2. The Superintendent of Police,  
Madurai District, Madurai - 625 001.

3. The Thasildar,  
Taluk Office, Thirumangalam,  
Madurai District.

4. The Deputy Superintendent of Police,  
Thirupparankundram, Madurai.

5. The Inspector of Police,  
Austinpatti Police Station,  
Thirunagar, Madurai.

+1 CC to M/s.C.MASILAMANI, Advocate ( SR-75529[F] dated 16/07/2019 )  
+1 CC to M/s.S.M.MOHAN GANDHI, Advocate ( SR-75615[F] dated  
17/07/2019 )

Order made in  
WP (MD) No.21574 of 2015  
15.07.2019

dsk

**MS/12.09.2019/4P.8C**