



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.25747 of 2019

M.Subbaiah

... Petitioner

vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Tahsildar,
Veerakeralam Pudur Taluk,
Tirunelveli District.

3.The Taluk Surveyor,
V.K.Pudur Taluk, Tirunelveli District.

4.The Inspector of Police,
Surandai Police Station,
Tirunelveli District.

5.Murugaiya

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the third respondent to survey the land in S.No.322/9C of Kulayaneri Village, V.K.Pudur Taluk, Tirunelveli District with the help of fourth respondent's police protection on the basis of the petitioner's representation dated 01.11.2019.

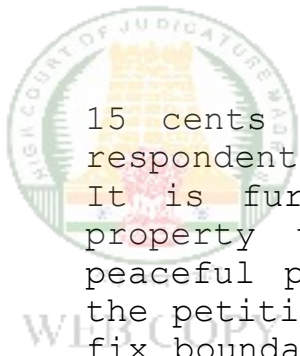
For Petitioner	:Mr.M.Sankar
For R1 to R4	:Mr.A.K.Baskara Pandian Special Government Pleader
For R5	:Mr.S.Sarwagan Prabhu

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the third respondent for surveying the land in S.No.322/9C in Kulayaneri Village, V.K.Pudur Taluk, Tirunelveli District with the help of fourth respondent police on the basis of the petitioner's representation, dated 01.11.2019.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner in his representation, dated 01.11.2019, has stated that he has purchased the land measuring an extent of



15 cents in S.No.322/9C under three sale deeds from the fifth respondent and he is in possession and enjoyment of the property. It is further stated that the fifth respondent, who sold the property to the petitioner, is trying to interfere with the peaceful possession and enjoyment of the property and threatened the petitioner and that therefore, the official respondents should fix boundary in the property purchased by the petitioner from the fifth respondent.

4.The petitioner has not produced any revenue records or prior title deed either in favour of the fifth respondent or his predecessor-in-title. The petitioner has come before this Court, as if the fifth respondent interfere with his enjoyment of the property. The petitioner having purchased the land from the fifth respondent, is entitled to establish his right or ownership. However, from the nature of pleading and conduct of parties, this Court is unable to accept the case as a genuine dispute between the petitioner and the fifth respondent.

5.In the absence of any record to prove the ownership of fifth respondent, the petitioner's title in respect of the land, cannot be accepted. If the fifth respondent was the owner of the property and conveyed the property in favour of the petitioner, the fifth respondent cannot interfere with the right of petitioner having parted with title in favour of the petitioner. However, the rights of third parties will be affected, if the petitioner and the fifth respondent are in collusion.

6.Hence, the Writ Petition is dismissed with a direction to the officials respondents to consider the petitioner's representation, in case there is no rival claim from any third parties in respect of the land in dispute without reference to this order. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

cmr

To

1.The District Collector,
Tirunelveli District, Tirunelveli.



2.The Tahsildar,
Veerakeralam Pudur Taluk,
Tirunelveli District.

3.The Taluk Surveyor,
V.K.Pudur Taluk, Tirunelveli District.

4.The Inspector of Police,
Surandai Police Station,
Tirunelveli District.

+1 cc to Mr.M.Sankar , Advocate SR.No.103316

+1 cc to The Special Government Pleader Sr.No.103415

W.P. (MD) No.25747 of 2019

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