



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

W.P(MD)No.7609 of 2020

S.Yuvarani

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Theni District.

2.The Tahsildar,
Aandipatti Taluk Office,
Andipatti Tk.
Theni District.

3.The Taluk Surveyor,
Taluk Office,
Andipatti (Tk)
Theni District.

4.The Inspector of Police,
Kandamanur Vilakku Police Station,
Theni District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 4th respondent to provide necessary police protection to the 3rd respondent to make survey of the petitioner land in S.No.1476/2A, measuring an extent of 1 Acre 79 Cents which is situated at Shanmuga Sundarapuram Village, Aandipatti Sub Registration Office, Periyakulam Registration District and Theni District.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed, for issuance of a Writ of Mandamus, to direct the 4th respondent to provide necessary police protection to the 3rd respondent to make survey of the petitioner's land in S.No.1476/2A, measuring an extent of 1 Acre 79 Cents, which is situated at Shanmuga Sundarapuram Village, Aandipatti Sub Registration Office, Periyakulam Registration District and Theni District.

2. The case of the petitioner is that the petitioner has purchased a land from one M.Sivakumar on 21.03.2019 in
<https://hcservices.ecourts.gov.in/hcservices/>



S.F.No.1476/2A, measuring an extent of 1 Acre 79 cents. After purchasing the land, the patta in respect to the said land has been transferred in the name of the petitioner as Patta No.5330. After verifying the Encumbrance, the petitioner making arrangements for survey the purchased land and wanted to put up a fence in the said land.

WEB COPY

3. When at the time the petitioner was made arrangement for put up the fence, some neighbouring persons are interfering and made disturbance to the survey work. Hence, without conducting the survey, the Surveyor returned to his office for which the petitioner herein lodged a complaint before the 4th respondent and requested to give adequate police protection to the surveyor. Even after preferring the complaint before the Deputy Superintendent of Police and to SSI, some 3rd parties were came and disturbed the survey work.

4. In the said circumstances, the petitioner once again approached the 2nd respondent for making survey, for which the 2nd respondent told to the petitioner that unless to give protection to him, he will not in a position to measure the property. According to her, the land in Survey No.1476/2A is undisputed land, no private person has right to interfere with the survey of the land and the interference made by the 3rd party is illegal, as contemplated in the Tamil Nadu Survey and Boundaries Act, 1923. Accordingly, the petitioner prays to issue a Writ of Mandamus, directing the 4th respondent to provide necessary police protection to the 3rd respondent to make survey of the land in S.F.No.1476/2A.

5. The learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that if necessary, the 4th respondent is ready to give necessary protection to the 3rd respondent for survey the above referred land. The undertaking given by the learned Additional Public Prosecutor is recorded.

6. In the light of the submission made by the learned Additional Public Prosecutor, the 4th respondent Police is directed to give adequate protection to the 3rd respondent, if necessary, at the time when he was making arrangement to measure the property owned by the petitioner.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Collectorate,
Theni District.
- 2.The Tahsildar,
Aandipatti Taluk Office,
Andipatti Tk.
Theni District.
- 3.The Taluk Surveyor,
Taluk Office,
Andipatti (Tk)
Theni District.
- 4.The Inspector of Police,
Kandamanur Vilakku Police Station,
Theni District

**Judgments made in
W.P (MD) No.7609 of 2020**

15.07.2020

SPU(03.08.2020)3P 5C