



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.13318 of 2020

Kannan

... Petitioner

-vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.
2. The Tahsildhar,
Kalayarkovil Taluk,
Sivagangai District.
3. The Head Surveyor,
Kalayarkovil Taluk,
Sivagangai District.
4. The Inspector of Police,
Anti-Land Grabbing Special Cell,
Sivagangai District.
5. The Inspector of Police,
Madugupatti Police Station,
Sivagangai District.
6. Vijaya

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 2nd Respondent to survey in the agriculture property of the petitioner in S.No.47/1 comprising in Patta No.487 situated at Maangatethal Revenue Village, Kalayarkovil Taluk, Sivagangai District with the help of competent Surveyor in field measurements and directing the Respondents No.1 and 5 to give adequate police protection at the time of survey in the agriculture property of the petitioner in S.No.47/1 on the basis of his representation dated 12.09.2020.

For Petitioner : Mr.R.Udhayakumar

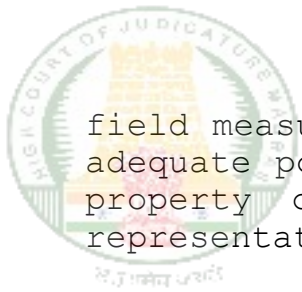
For R1 to R5 : Mr.K.P.Krishnadass

Spl. Govt. Pleader

For R6 : No Appearance

O R D E R

The petitioner has come forward with this Writ Petition, seeking a direction to the 2nd Respondent to survey in the agriculture property of the petitioner in S.No.47/1 comprising in Patta No.487 situated at Maangatethal Revenue Village, Kalayarkovil Taluk, Sivagangai District with the help of competent Surveyor in



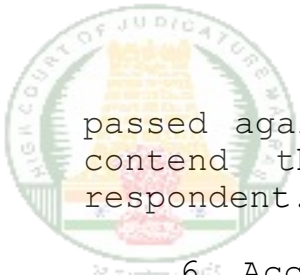
field measurements and directing the Respondents No.1 and 5 to give adequate police protection at the time of survey in the agriculture property of the petitioner in S.No.47/1 on the basis of his representation dated 12.09.2020.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for R1 to R5. There is no representation for R6 despite the name of the counsel and R6 being printed in the cause list. However, no prejudice is going to be caused to R6, as there is no adverse order being passed against R6.

3. According to the petitioner, he has been enjoying his ancestral property in S.No.47/1 to the extent of 3-76.50 Hectre Ares peacefully and he also received the joint patta in his name as well as his own brother name by name Raja in Patta No.487 from the 2nd respondent. While so, the 6th respondent, who received her ancestral property in S.No.47/2 in Patta No.456 has been attempting to trespass into the property of the petitioner and also using filthy language and though a complaint in this regard has been preferred before the 5th respondent, there is no action taken against R6. It is the case of the petitioner that he submitted an application to the 2nd respondent on 12.09.2020 for survey of the land so as to find out boundaries and since there is no effective steps taken by the 2nd respondent for survey of the property, he has approached this Court, seeking aforesaid prayer.

4. This Court without going into the merits of the case, directs the the 2nd Respondent to depute a Surveyor to survey the property of the petitioner, after affording an opportunity to the petitioner and also the 6th respondent. The said survey shall be photographed and videographed in the presence of the petitioner and the costs of Photograph and Videograph to be borne by the petitioner. Such an exercise shall be completed, within a period of three (3) months from the date of receipt of a copy of this order. After conducting survey, in case of issuance of patta, the guidelines issued by this Court in W.P.(MD)No.13465 of 2020, dated 13.10.2020 and W.P.(MD)Nos.7746 of 2020 etc., batch dated 23.09.2020, have to be scrupulously followed. In case any Civil Suit is already pending, there is no need for measuring the land in question, as it is for the Civil Court to decide the matter. After the orders of this Court, if any suit is filed, the officials hands are not tied to carry out the directions mentioned in the aforesaid two orders, as there is a possibility of one or other party to move the Court later and to stall the proceedings before the revenue authorities. There will be an exception, if an interim order operates against the authorities.

5. It is needless to mention that this Court has not decided the rights of the parties, namely, the petitioner and the 6th respondent in this Writ Petition and no adverse order has been



passed against the 6th respondent. Therefore, the petitioner cannot contend that adverse order has been passed against the 6th respondent.

6. Accordingly, this Writ Petition is disposed of. No costs.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.
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5. The Inspector of Police,
Madugupatti Police Station,
Sivagangai District.

+1cc to M/s.Special Government Pleader, SR No.22527

W.P. (MD) No.13318 of 2020

20.11.2020

DKS (CO)

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