



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.14902 of 2020

WEB COPY

S.Mariya Arockiyam

... Petitioner

Vs

1.The Tahsildar,
Dindigul East Taluk,
Dindigul.

2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

3.The Deputy Surveyor,
Dindigul East Taluk,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to consider the petitioner representation dated on 18.07.2018 and consequently to direct the respondent to survey the land in Survey Nos.339/1, 339/3, 339/4 and 339/6 situated at A.Vellodu Village, Dindigul Taluk, Dindigul District.

For Petitioner : Mr.P.Subbaraj

For Respondents : Mr.M.Murugan
Government Advocate

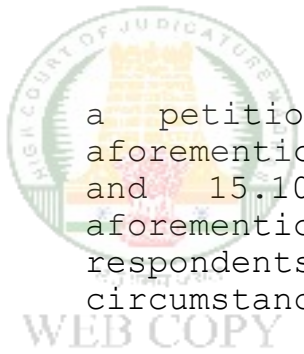
ORDER

This writ petition has been filed for a Mandamus, to direct the respondent to consider the petitioner's representation dated 18.07.2018 and consequently, direct the respondent to survey the land in Survey Nos.339/1, 339/3, 339/4 and 339/6 situated at A.Vellodu Village, Dindigul Taluk, Dindigul District.

2.Heard Mr.P.Subbaraj, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

3.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that, she is the absolute owner of the aforementioned lands. According to her, she submitted



a petition before the first respondent for surveying the aforementioned lands. She has given representations on 18.07.2018 and 15.10.2020 requesting the respondents to survey the aforementioned lands. According to the petitioner, till date the respondents have not considered her representations. In such circumstances, this writ petition has been filed.

5. On instructions, the learned Government Advocate on behalf of the respondents would submit that the earlier attempt made by the respondents to survey the petitioner's land resulted in law and order problem as rival claimants made claim against the same property. Therefore, he would submit that, the third respondent is ready and willing to survey the petitioner's land subject to the condition that police protection is granted to him.

6. The relief sought for in this writ petition is only to consider the petitioner's representation for survey of the aforementioned lands. No prejudice will be caused to the respondents, if the representations of the petitioner are directed to be considered on merits and in accordance with law. While passing final orders in the representations given by the petitioner, it is made clear by this Court that if police protection is required for executing the survey, the third respondent can seek assistance of the second respondent, who shall depute adequate police force to accompany the third respondent for executing the survey.

7. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representations, dated 18.07.2018 and 15.10.2020 requesting for survey of the land in Survey Nos. 339/1, 339/3, 339/4 and 339/6 situated at A. Vellodu Village, Dindigul Taluk, Dindigul District, after hearing all the necessary parties including the rival claimants and pass final orders on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order. If the third respondent feels that police protection is required for executing the survey, she is at liberty to seek the assistance of the second respondent, who shall depute adequate police personnel to accompany the third respondent for completing the survey of the aforementioned lands.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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 Tahsildar,
Dindigul East Taluk,
Dindigul.

2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

3.The Deputy Surveyor,
Dindigul East Taluk,
Dindigul.

+1 CC to M/s.GP (SR-20816[F] dated 02/11/2020)

+1 CC to M/s.P.SUBBARAJ, Advocate (SR-20770[F] dated 02/11/2020)

W.P. (MD) No.14902 of 2020
29.10.2020

SSS(CO)
TR(09.11.2020) 3P 6C