



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.19276 of 2020

S.Pandiammal

...Petitioner

-Vs-

1.The Taluk Surveyor,
Usilampatti Taluk,
Madurai District.

2.The Inspector of Police,
Taluk Police Station,
Usilampatti,
Madurai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the second respondent to provide police protection to survey the petitioner's land comprised in S.Nos.149/1A, 149/4A1A & 149/4A1B of Boothipuram Village, Usilampatti Taluk, Madurai District by the first respondent within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Rajmohan

For Respondents : Mr.M.Muniyasamy

Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction to the second respondent to provide police protection to survey the petitioner's land comprised in S.Nos.149/1A, 149/4A1A & 149/4A1B of Boothipuram Village, Usilampatti Taluk, Madurai District by the first respondent within a stipulated time that may be fixed by this Court.

2. The case of the petitioner is that the property comprised in Survey No.149/4A1B to an extent of 14 cents situated at Boothipuram Village, Usilampatti Taluk, Madurai District originally belonged to the petitioner's father and after his demise the petitioner's mother inherited the property and got patta in Patta No.1338 in her name. The punja land in Survey No.149/1A to an extent of 4 cents of Boothipuram Village, Usilampatti Taluk, Madurai District belongs to the petitioner as per the Settlement Deed No.3514 of 2007 executed by her father and another punja land in Survey No.149/4A1A to an extent of 14 cents of Boothipuram Village, Usilampatti Taluk, Madurai District was purchased by the petitioner on 12.07.2016 in Doc.No.2020/2016 from one Pooranam, W/o.Ganapathy Thevar and obtained patta in her name in Patta No.1321. At this juncture some villagers attempted to encroach upon the petitioner's



land by unearthed the survey stones. Hence, she has given a complaint to the Anti Land Grabbing Cell, Madurai District, where those alleged accused persons were appeared for enquiry and undertake that they will not interfere with the petitioner's peaceful possession and enjoyment. In such circumstances, the petitioner sent a representation on 10.10.2020. However, the same has not been considered so far. In such circumstances, the petitioner has approached this Court seeking aforesaid prayer.

3. Mr.M.Muniyasamy, learned Additional Government Pleader appearing on behalf of the respondents would submit that the survey has already been conducted as early in the year 2018. However, the petitioner repeatedly coming and seeking for survey. However, notice has already been issued to the petitioner asking him to appear at the time of conducting survey on 29.12.2020.

4. Though the petitioner has not made the private parties as parties to the proceedings, already complaint has been lodged against them before the Land Grabbing Cell and the parties are agreed to co-operate for surveying the land in order to give a quietus to the dispute between them. The petitioner has also produced the said proceedings dated 22.10.2019 in his typeset of papers. The conduct of the petitioner in non-inclusion of the necessary persons in the writ petition as party respondents, is highly deprecated. However, this Court, without going into the merits of the case and without passing any adverse order against the private parties, directs the first respondent to consider the representation of the petitioner dated 10.10.2020 and take a decision in accordance with law, after affording opportunity to the petitioner as well as the private parties and other parties, who are likely to be affected or the interested parties, within a period of 120 days from the date of receipt of a copy of this order. The police protection shall be given at the time of survey.

5. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Taluk Surveyor,
Usilampatti Taluk,
Madurai District.

2.The Inspector of Police,
Taluk Police Station,
Usilampatti,
Madurai District.

+1CC to M/s.SPL GP,SR.No.27265 dated 25/12/2020

+1CC to Mr.R.RAja Mohan,Advocate,SR.No.27123 dated 23/12/2020

W.P. (MD) No.19276 of 2020
23.12.2020

KMV (CO)
KB(19.01.2021) 3P 5C