



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

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THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P. (MD) No.12718 of 2018

WEB COPY

A.Somasundaram

... Petitioner

Vs.

1. The Tahsildar,
Thuraiyur Taluk,
Taluk Office, Thuraiyur,
Trichy District.
2. The Head Surveyor (Taluk Surveyor),
Office within the campus of Taluk Office,
Thuraiyur, Trichy District.
3. The Firka Surveyor,
Koppampatti Firka,
Koppampatti Post,
Thuraiyur Taluk, Trichy District.
4. The Sub-Inspector of Police,
Uppiliyapuram police station,
Uppiliyapuram Post,
Thuraiyur Taluk, Trichy District.
5. Periyasamy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 3 to survey the petitioner's property in S. No.898/1A and 898/1B of Talugai Village, Thuraiyur Taluk and fix the four boundaries and also survey stones clearly demarcating the petitioner land from the neighbouring lands and to the fourth respondent to provide police protection during survey and fencing of the petitioner's property.

For Petitioner : Mr.H.Lakshmi Shankar

For R-1 to R-4 : Mr.V.Anand,
Government Advocate.

* * *

ORDER

This writ petition is filed seeking issuance of Writ of Mandamus to direct respondents 1 to 3 to survey the petitioner's properties in S.No.898/1A and 898/1B of Talugai Village, Thuraiyur Taluk and fix four boundaries and also survey stones clearly



demarcating the petitioner's lands from the neighbouring lands and to the fourth respondent to provide police protection during survey and fencing of the petitioner's properties.

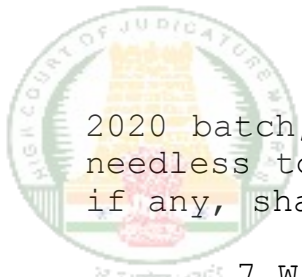
2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 to 4.

3. It is represented by the learned counsel appearing for the petitioner that the properties comprised in Survey No.898/1A and 898/1B in Talugai Village, Thuraiyur Taluk, Trichy District, belongs to the petitioner. In respect of the properties, there was a civil suit in O.S.No.306 of 1997 on the file of the District Munsif Court, Thuraiyur and the same was decreed in favour of the petitioner on 10.09.2007. He further submitted that Mr.Periyasamy/fifth respondent who was the defendant in the suit has not challenged the Judgment and decree passed by the trial Court. However, the fifth respondent was interfering with the possession and enjoyment of the petitioner's properties. The fifth respondent physically assaulted the petitioner and the petitioner suffered injury. Therefore, First Information Report in Crime No.388 of 1999 was registered on the file of Uppiliyapuram police station against the fifth respondent and the fifth respondent was imposed a fine by the Judicial Magistrate, Thuraiyur. Aggrieved by the same, the petitioner has filed criminal appeal before this Court and the same was pending.

4. It is also submitted by the learned counsel appearing for the petitioner that the petitioner has filed E.P.No.50 of 2008 before the trial Court and the same was dismissed on 28.10.2014. Thereafter, the petitioner has filed C.R.P.(MD)No.1509 of 2015 before this Court and the same was pending. He further submitted that the petitioner has already submitted an application before the first respondent and also paid charges for survey and fixation of boundaries for Survey Nos.898/1A and 898/1B of Talugai Village on 05.01.2015. Since there is no response from the first respondent, the petitioner is before this Court with the aforesaid relief.

5. The learned Government Advocate would submit that the respondents are willing to abide by the directions of this Court issued vide order dated 23.09.2020 in W.P.(MD) No.7746 of 2020 batch.

6. Considering the facts and circumstances of this case, the first respondent is directed to consider the representation of the petitioner dated 05.06.2015 and survey the petition mentioned properties in the light of the Judgment made in W.P.(MD)No.13465 of 2020, dated 13.10.2020 and in case of issuance of patta, after survey, the directions issued by this Court in W.P(MD).No.7746 of



2020 batch, dated 23.09.2020 should be scrupulously followed. It is needless to mention that the persons who are likely to be affected, if any, shall also be heard.

7. With the above directions, the writ petition, is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Thuraiyur Taluk,
Taluk Office, Thuraiyur,
Trichy District.
2. The Head Surveyor(Taluk Surveyor),
Office within the campus of Taluk Office,
Thuraiyur, Trichy District.
3. The Firka Surveyor,
Koppampatti Firka, Koppampatti Post,
Thuraiyur Taluk, Trichy District.
4. The Sub-Inspector of Police,
Uppiliyapuram police station,
Uppiliyapuram Post,
Thuraiyur Taluk, Trichy District.

+1 CC to M/s.GP (SR-22990[F] dated 26/11/2020)

+1 CC to M/s.H. LAKSHMI SHANKAR, Advocate (SR-23052[F] dated 27/11/2020)

W.P. (MD) No.12718 of 2018
24.11.2020

mj (CO)

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