



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28/10/2021

CORAM:

THE HONOURABLE MR JUSTICE G.ILANGO VAN

W.P. (MD) No.10646 of 2021

V.Vellaiyan

... Petitioner

Vs.

1. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

2. The Taluk Surveyor,
Thiruppathur Taluk,
Sivagangai District.

3. The Inspector of Police,
Keelasivalpatti Police Station,
Sivagangai District.

4. Jeya

5. Balasubramanian

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to provide police protection to survey petitioner's land situated at Survey No.807/8, patta No.369 in Kavenipatti Village, Thiruppathur Taluk, Sivagangai District, based on the petitioner's representation dated 22.04.2021 within stipulated time fixed by this Court.

For Petitioner : Mr.T.Veerakumar

For R-1 to R-3 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. side)

O R D E R

This writ petitioner is filed for police protection for measuring the land situated in Survey No.807/8, patta No.369 in Kavenipatti Village, Thiruppathur Taluk, Sivagangai District by considering the representation dated 22.04.2021.



2. The case of the petitioner is that he is the owner of the property in the above said survey number and in possession of the same. He has put up construction in the portion of the property and the remaining portion is kept as vacant site. For the purpose of measuring the property, he took steps which was objected by the private respondents. So he made a representation seeking police protection and since the same was not considered, the petitioner has filed the present petition.

3. When the matter was taken up for hearing, notice was ordered to the private respondents finding that the first respondent has closed the representation made by the petitioner on 12.04.2021. Even though the private respondents have been served, none appears. Closure report copy has also been placed before this Court and on going through the closure report copy, it is seen that the private respondents gave an undertaking that they will not give any trouble to the petitioner. But however, finding that the petitioner is in possession of the poromboke land and based upon the above said undertaking it came to be closed.

4. It is also seen that in front of the house of the petitioner a poromboke land is situated and over the poramboke land possession, dispute has arisen between the petitioner and private respondents. It is stated by the petitioner in the complaint that the private respondents are trying to put up a house in the poromboke land which was objected by him. Whatever it may be, the learned counsel for the petitioner would submit that he wants to measure his property and for that purpose only he took steps.

5. Considering the limited prayer that has been made by the petitioner and finding that the property is situated in Survey No.807/8, patta No.369 in Kavenipatti Village, Thiruppathur Taluk, Sivagangai District measuring 0.65 ares and the petitioner has been issued with patta, there can be no objection by the private respondents herein with regard to the measuring of the property. A appropriate fee has been paid by the petitioner and a proof for the same has been enclosed in the typed set of papers. There shall be a direction to the second respondent herein to measure the property under Section 10 of the Tamil Nadu Survey and Boundaries Act by summoning the petitioner as well as the private respondents herein and during the course of enquiry, if any trouble arises, as apprehended by the petitioner, the second respondent shall make representation to the third respondent seeking police protection and on such representation being made, the third respondent shall consider the same and give police protection for measuring the property which is mentioned in the property. The said exercise shall be completed within a period of one month from the date of receipt of a copy of this order.



6. With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar (AS)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

CM

To,

1. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.
2. The Taluk Surveyor,
Thiruppathur Taluk,
Sivagangai District.
3. The Inspector of Police,
Keelasivalpatti Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-33146[F] dated 29/10/2021)

W.P. (MD) No.10646 of 2021

28.10.2021

MGJ/PM(18.11.2021) 3P 6C