



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

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THE HONOURABLE MR. JUSTICE G.ILANGO VAN

W.P. (MD) .No.11839 of 2020

P.Renganathan

.. Petitioner

Vs.

1.The State rep. by its
The District Collector,
Dindigul District.

2.The Tahsildar,
Office of the Tahsildar,
Vedasandur Taluk,
Dindigul District.

3.The Inspector of Police,
Eriyodu Police Station,
Dindigul District.

4.Kalimuthu

5.The Head Surveyor,
Vedasandur Taluk Office,
Vedasandur, Dindigul District.

.. Respondents

(R5 is impleaded vide Court order dated 12.03.2021 in W.M.P.(MD) .
No.10893 of 2020 in W.P.(MD).No.11839 of 2020)

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 31.07.2020 and to direct the third respondent herein to provide adequate police protection during the survey and measurements by the 2nd respondent in respect of the petitioner's lands comprised in S.No.613/2 to an extent of 0.58.50 hectares, S.No.614/2 to an extent of 0.8.50 hectares and S.No.614/5 to an extent of 44.00 hectares situated in E.Chithoor Village, Vedasandur Taluk, Dindigul District.

For Petitioner : Mr.V.Muthumani

For Respondents : Mr.S.S.Madhavan for R1 to R3 & R5
Government Advocate (Crl. Side)



ORDER

(This writ petition is heard through video conference)

This writ petition has been filed seeking a direction to the second respondent herein to consider the representation that has been made by the petitioner dated 31.07.2020 and provide police protection for measuring his property and fence it.

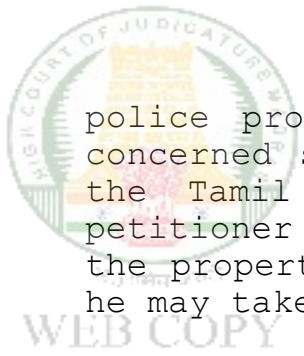
2.The case of the petitioner is that the property in S.Nos.613/2, 614/2 and 614/5, originally was purchased by his father, which are located in E.Chithoor Village, Vendasandur Taluk, Dindigul District. From the date of purchase, his father was in possession and enjoyment of the same. Thereafter, within their family partition was held on 18.01.2018. Through the above said partition, 'B' schedule property was allotted to the share of the petitioner and after that he is in exclusive possession and enjoyment of the same. Now when an attempt was made by the petitioner to measure the property for the purpose to demarcate the boundary and fencing his property, the fourth respondent made trouble. Hence, based upon which, he sent a representation to the respondent officials and since that was not considered, the petitioner has come forward with this petition.

3.Notice was ordered to the private respondent on 26.04.2021 and served. Though notice was served, none appears on behalf of him. His name was also printed in the cause list.

4.The learned Government Advocate (Crl. Side) submitted that since this writ petition has been filed seeking a direction for providing police protection for measuring the property, the respondents are keeping the matter pending. The official respondents are ready to consider the representation made by the petitioner, if proper documents are produced.

5.Perusal of the records shows that this petitioner has remitted the required fee for the purpose of measuring the property and a copy of the same was also enclosed along with the typed set of papers. He has also produced the copy of the partition deed dated 18.01.2018 and other revenue records has also been produced. The objection that has been raised by the fourth respondent is not understandable. No document is also available on his part to prove his claim. In spite of notice from this Court, he did not appear either in person or through a counsel.

6.This petition can be disposed of with a direction to the Surveyor attached to the second respondent herein to measure the property, since the petitioner has remitted the required fee and if any trouble arises during the course of measurement, he can make a proper representation to the third respondent herein. On such representation being made by the Surveyor concerned attached to the second respondent herein, the third respondent may provide



police protection during the course of measurement. The Surveyor concerned shall comply the procedure contemplated under Section 10 the Tamil Nadu Survey and Boundaries Act. He may summon the petitioner as well as the private respondent herein before measuring the property. Depending upon the outcome of the above said process, he may take further steps.

7. Accordingly, with the above directions, this Writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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 District Collector, Dindigul District.
2. The Tahsildar,
Office of the Tahsildar,
Vedasandur Taluk, Dindigul District.
3. The Inspector of Police,
Eriyodu Police Station,
Dindigul District.
4. The Head Surveyor, Vedasandur Taluk Office,
Vedasandur, Dindigul District.
5. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

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NSN (CO)
KB(19.01.2022) 3P 6C