



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2021

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.14530 of 2021

1.Vivekananth

2.Vijayalakshmi

3.Ilango

4.Vinayagamoorthy

5.Vetriraja

6.Balasubramanian

... Petitioners

Vs.

1.The District Collector,
Tirunelveli District.

2.The Superintendent of Police,
Tirunelveli District.

3.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

4.The Tahsildar,
Cheranmahadevi,
Tirunelveli District.

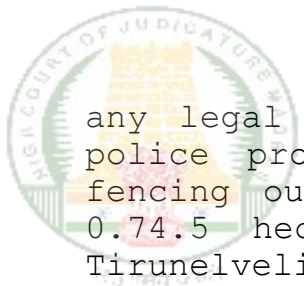
5.The Head Surveyor,
Taluk Office,
Cheranmahadevi Taluk,
Tirunelveli District.

6.The Inspector of Police,
Pappakudi Police Station,
I/c. Inspector of Police Ambasamudram,
Tirunelveli District.

7.Ramachandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take sufficient measures so as to protect our fundamental rights and stop the unlawful intervention of 7th respondent and his men without



any legal basis and direct the 6th respondent to give sufficient police protection for survey and laying stone and consequently fencing our property in Survey No.277/1 and 277/2A2, admeasuring 0.74.5 hectares and 0.54.0 hectares situated at Pappakudi-II, Tirunelveli District.

WEB COPY

For Petitioner : Mr.S.Siva Ilayaraja
For Respondents : Mr.R.Baskaran
Counsel for State
for R1 to R6

O R D E R

The petitioners seek to prevent the seventh respondent from interfering with their enjoyment of the property in Survey No.277/1 and 277/2A2 at Pappakudi Village II, Tirunelveli District.

2. The petitioners claim ownership over the property described above in terms of a sale deed dated 02.11.1911, which was followed by a gift deed dated 27.08.1983 in favour of the second petitioner herein. The petitioners also rely upon the patta dated 22.06.2021 which reflects the names of all the petitioners herein as joint pattathars in respect of the above mentioned property. According to the petitioner, the seventh respondent does not have any right in respect of the property. The seventh respondent is said to trace title to a lease deed executed by the petitioner's grand father in favour of one Veluthevar. The petitioner alleges that a forged adangal was created on the basis of such lease deed. In view of the interference by the seventh respondent without any legal basis, the petitioner states that he has submitted multiple representations to each of the official respondents herein to protect his ownership and enjoyment of the property in question. In addition, it is stated that the request for the conduct of a survey has not been responded to. The present writ petition is filed in the aforesaid facts and circumstances.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 6. Without going into the merits of the dispute, he states that the fourth and sixth respondents may be directed to consider the petitioners' request for survey on merits.

4. The documents on record indicate that there appears to be a dispute between the petitioners, on the one hand, and the seventh respondent on the other. However, the petitioners have been able to *prima facie* indicate that they have an interest in the property bearing Survey No.277/1 and 277/2A2 on the basis of the parent sale deed dated 02.11.1911, the gift deed dated 27.08.1983 and the recent patta issued on 22.06.2021. Nevertheless, there are clearly rival claims by the seventh respondent, which would have to be examined before a decision is taken on the petitioners' application for survey. Such decision should be taken after putting the seventh



respondent on notice and providing such respondent with a reasonable opportunity.

5. Accordingly, without going into the merits of the matter, the fourth and fifth respondents herein are directed to consider the petitioners' representation dated 24.06.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioners, the seventh respondent and any other person who would be affected if a survey is carried out. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

6. W.P.(MD).No.14530 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

To

- 1.The District Collector, Tirunelveli District.
- 2.The Superintendent of Police,Tirunelveli District.
- 3.The Sub-Collector,
Cheranmahadevi, Tirunelveli District.
- 4.The Tahsildar,
Cheranmahadevi, Tirunelveli District.
- 5.The Head Surveyor,
Taluk Office,
Cheranmahadevi Taluk, Tirunelveli District.
- 6.The Inspector of Police,
Pappakudi Police Station,
I/c. Inspector of Police Ambasamudram,
Tirunelveli District.

+1 CC to M/s.S.SIVA ILAYARAJA, Advocate (SR-26560[F] dated 17/08/2021)

+1 CC to M/s.GP (SR-26775[F] dated 19/08/2021)

W.P.(MD) No.14530 of 2021
17.08.2021

RD(26.08.2021) 3P 9C

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