



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD) No.14384 of 2021

R.Vairamuthu

... Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Muthaiahpuram Police Station,
Thoothukudi District.

3.The Tahsildar,
Thoothukudi,
Thoothukudi District.

4.Jailani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to survey the land in Survey No.305/2C situated at Mullakadu Village, Thoothukudi District and consequently directing the second respondent to give police protection on the day of surveying the land.

For Petitioner	:	Mr.S.Ramasamy
For Respondents	:	Mr.R.Baskaran
	:	Counsel for State for R1 to R3

O R D E R

The petitioner seeks the survey of the land in Survey No.305/2C, Mullakadu Village, Thoothukudi District.

2.The petitioner traces title to 52 cents of land in the aforesaid survey number to the purchase of such property under two sale deeds dated 24.04.2008 and 22.12.2010, which were registered as Document Nos.1512 of 2008 and 3128 of 2010 respectively. The patta in respect of the said property is also cited in support of title and possession. Copies of such patta have been enclosed.

3.The petitioner states that the fourth respondent herein had filed a suit against the petitioner's vendor, prior to the petitioner's purchase of the property, and the said suit was dismissed by judgment and decree dated 31.07.2002. Both the first appeal against the said judgment and decree and the second appeal



were dismissed. The petitioner points out that such second appeal was dismissed on 06.02.2020.

4.After the dismissal of the second appeal, the petitioner states that representations were submitted to the third respondent and first respondent on 29.05.2021 and 27.07.2021, respectively, and that the present writ petition is filed on account of the failure of the said respondents to take action thereon.

5.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3. He submits that the petitioner's representation may be directed to be considered and disposed of on merits.

6.The petitioner has filed copies of the judgment and decree of the trial Court, the first appellate Court and the second appellate Court. In addition, the sale deeds and the patta have been filed. These documents *prima facie* indicate that the petitioner has an interest in the property in question. However, it is not known whether a Special Leave Petition (SLP) was carried by the fourth respondent herein. Nevertheless, a case is made out to direct the third respondent herein to consider and dispose of the petitioner's application.

7.Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's application for survey of the land bearing Survey No.305/2C, Mullakadu Village, Thoothukudi District, and to dispose of the same by a reasoned order within a period of two months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the fourth respondent herein. On account of the fact that the merits of the matter have not been gone into and because the third respondent is directed to hear the fourth respondent before passing an order, the writ petition is disposed of without notice to the private respondent.

8.W.P.(MD).No.14384 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Muthaiahpuram Police Station,
Thoothukudi District.

3.The Tahsildar,
Thoothukudi,
Thoothukudi District.

+1 CC to M/s.The Special Government Pleader (SR-26514[F] dated
17/08/2021)

W.P. (MD) No.14384 of 2021
16.08.2021

RS (24.08.2021) 3P 5C