



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

W.P. (MD) No. 17135 of 2021

WEB COPY

Vellaiammal

... Petitioner

Vs.

1.The Tahsildar,
Thirupattur Taluk,
Sivagangai District.

2.The Firka Surveyor,
Thirupattur Taluk,
Sivagangai District.

3.The Inspector of Police,
Nerkuppai Police Station,
Sivagangai.

4.M.T.K.Ganesan

... Respondents

PRAYER: The Writ Petition is filed under Section 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, by directing the third respondent to give adequate police protection during the survey to be conducted by the second respondent, then put up survey stone in Survey Nos:687/44, 49, 52 and 688/14 in Patta No.941 in Nerkuppai Group, Thirupathoor Taluk, Sivagangai District.

For Petitioner
For R-1 to R-3

: Mr.R.M.Arun Swaminathan
: Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking issuance of Writ of Mandamus, by directing the third respondent to give adequate police protection during the survey to be conducted by the second respondent, then put up survey stone in Survey Nos:687/44, 49, 52 and 688/14 in Patta No.941 in Nerkuppai Group, Thirupathoor Taluk, Sivagangai District.

2.The case of the petitioner is that the property situated in Survey Nos:687/44, 49, 52 and 688/14 in Patta No.941 in Nerkuppai Group, Thirupathoor Taluk, Sivagangai District, belongs to her

<https://hccourts.courts.gov.in/home.html>



husband, who is now in Singapore due to his job. The fourth respondent got no right over the property and made trouble and steps were taken by the petitioner to measure the property. He has also paid a sum of Rs.800/- on 02.09.2021 for survey the land to the concerned Department. Apprehending trouble on the hands of the fourth respondent, he gave a representation dated 02.09.2021, seeking police protection that was not provided. Hence the present petition.

3.The learned Additional Public Prosecutor submitted so far no representation has been received from the petitioner. But however, receipt and acknowledgement copy have been enclosed along with the typed set of papers, which shows that the representation has been received by the Sub Inspector of Police, Nerkuppai.

4.Since a limited request sought for by the petitioner, there shall be a direction to the petitioner to make a proper application to the second respondent for survey the land and on receipt of such application, the second respondent shall conduct the survey as per Section 10 of Survey and Boundaries Act, by summoning the petitioner and the fourth respondent. Depending upon the outcome of enquiry further steps may taken. In the event of survey, if trouble is apprehended proper representation can be given to the third respondent. If such representation being made, the third respondent shall act upon it.

5.With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

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 Tahsildar,
Thirupattur Taluk,
Sivagangai District.

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



2.The Firka Surveyor,
Thirupattur Taluk,
Sivagangai District.

3.The Inspector of Police,
Nerkuppai Police Station,
Sivagangai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SB/SKN (19.11.2021) 3P 5C