



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.21916 of 2021

Sathishkumar

... Petitioner

vs.

1.The Revenue Divisional Officer,
Tiruchirappalli Division,
Tiruchirappalli.

2.The Tahsildar,
West Taluk,
Thiruchirappalli.

3.The Commissioner of Police,
Thiruchirappalli City,
Thiruchirappalli.

4.The Inspector of Police,
Government Hospital Police Station,
Thennur, Thiruchirappalli.

5.The Taluk Surveyor,
Tiruchirappalli Taluk,
Tiruchirappalli.

6.Govindarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1, 2 and 5 to survey the petitioner's land comprised in T.S.No.983/1 situated at Vannarapettai, Woraiyur, Thiruchirappalli Taluk and District and to direct the respondents 3 and 4 to give police protection during the survey of the above said land based on his application dated 07.12.2021.

For Petitioner : Mr.K.G.Arunkumar

For R1 to R5 : Mr.N.Satheeshkumar

Additional Government Pleader

O R D E R

The writ petition has been filed in the nature of Writ of Mandamus, seeking a direction to the second respondent/Tahsildar, West Taluk, Thiruchirappalli to survey the land of the petitioner in T.S.No.983/1 in Vannarapettai, Woraiyur, Thiruchirappalli District.

2.The petitioner's father, namely, Chinnaiah @ Chinnaiyan, had entered into an agreement of sale with O.Marimuthu and S.Murugan on
<https://hcservices.ecourts.gov.in/hcservices/>



02.07.1990. Since the said Marimuthu and Murugan did not come forward to execute the agreement, the father of the petitioner filed a suit in O.S.No.3570 of 2004 before the District Munsif Court, Thiruchirappalli and obtained a decree for specific performance on 06.12.2006. Subsequently, an execution petition had also been filed and thereafter, the District Munsif Court, Thiruchirappalli, had executed a sale deed in favour of the petitioner on 25.02.2008. In the sale deed, there is a specific clause that the father of the petitioner was also handed over vacant possession of the property. The petitioner, thereafter, had given an application for conducting survey on 12.07.2021.

3.A direction is given to the second respondent to take the assistance of the fifth respondent and proceed further to conduct survey of the land of the petitioner. The second respondent may also issue notice to the fourth respondent/Inspector of Police, Government Hospital Police Station, Thennur in Thiruchirappalli District and seeks police protection during the course of conducting survey, if at all, any objection is raised by any person. The second respondent may also issue notice to the sixth respondent/Govindarajan S/o. Muthusamy, since it is apprehended by the petitioner that there might be some objections raised by the Govindarajan and for that purpose, police protection would be required to discharge official duty. Let the second respondent independently satisfy himself/herself regarding the title of the petitioner, regarding the possession of the petitioner and thereafter, do the needful. The entire exercise may be completed within a period of twelve weeks from the date of receipt of a copy of this order.

4.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sji

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 Revenue Divisional Officer,
Tiruchirappalli Division,
Tiruchirappalli.

2.The Tahsildar,
West Taluk,
Thiruchirappalli.

3.The Commissioner of Police,
Thiruchirappalli City,
Thiruchirappalli.

4.The Inspector of Police,
Government Hospital Police Station,
Thennur, Thiruchirappalli.

5.The Taluk Surveyor,
Tiruchirappalli Taluk,
Tiruchirappalli.

+1 CC to M/s.SPL GP (SR-38314[F] dated 13/12/2021)

W.P. (MD) No.21916 of 2021
09.12.2021

MSK(CO)
KB(21.12.2021) 3P 7C