



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE **B.PUGALENDHI**

W.P. (MD) No.12251 of 2017

Singammal

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukottai District.

3.The Inspector of Police,
Panayapatti Police Station,
Pudukkottai District.

4.Chinnasamy

... Respondents

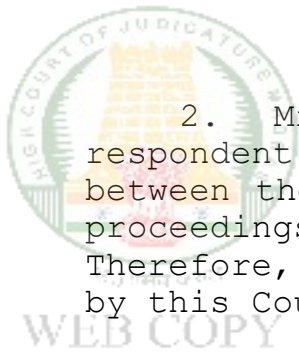
[R.4 impleaded vide order dated 19.02.2021 made in WMP(MD) No.9700/2017 in WP(MD)No.2251/2017]

PRAYER : Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the 2nd respondent to survey and subdivide the land comprised in patta no.494 in survey no.428/15 to an extent of 0.03.5 hectare and survey no.429/22 to an extent of 0.04.5 hectare, totally to an extent of 0.08.0 hectare, situated at Kulipiraipatti, Thirumayam Taluk, Pudukkottai District on the basis of the petitioner's representation dated 19.12.2014 & 16.06.2017 and furthermore direct the respondents 1 & 3 to give police protection while surveying the above said lands on the basis of the petitioner's representation dated 10.06.2017 and 27.06.2017.

For Petitioner : Mr.R.Rajaraman
For Respondents : Mr.R.Anandharaj,
Additional Public Prosecutor
for R.1 to R.3
Mr.M.M.Iqbal for R.4

O R D E R

The petitioner has filed this writ petition seeking a mandamus directing the 2nd respondent / Tahsildar, Thirumayam Taluk, to survey his lands in S.No.428/15 to an extent of 0.03.5 hectare and in S.No.429/22 to an extent of 0.04.5 hectare, situated at Kulipiraipatti, Thirumayam Taluk, Pudukkottai District, by considering his representations dated 19.12.2014 & 16.06.2017.



2. Mr.M.M.Iqbal, learned Counsel appearing for the 4th respondent would submit that there is a civil dispute pending between the petitioner and the 4th respondent and a proceedings is also pending before the Revenue Divisional Officer. Therefore, the relief sought for by the petitioner cannot be granted by this Court.

3. It appears that the petitioner is seeking the relief to ascertain and to identify his property in the above said survey numbers, by measuring the land through the Surveyor. If the petitioner is having valid documents, the fourth respondent may not have any objection for the same. Only on measurement of the land, the extent of the property of the respective parties can be identified.

4. Therefore, this Court directs the 2nd respondent / Tahsildar to instruct the concerned Surveyor to issue notice to the respective parties and thereafter, conduct survey within a period of three months from the date of receipt of a copy of this order. If anybody is having any grievance over the said survey, it is open to them to file appropriate application before the competent authority and they are not supposed to create any law and order problem, preventing the authorities from discharging their official duty. If the Surveyor is of the opinion that the parties may create any law and order problem at the time of survey, then he is at liberty to make a request to the respondents 1 & 3 herein and on such request being made, the respondents 1 & 3 are directed to provide necessary protection for the said survey. In the case of any law and order problem, it is open to the respondents 1 & 3 to register a criminal case as against the offenders and to proceed against them.

5. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

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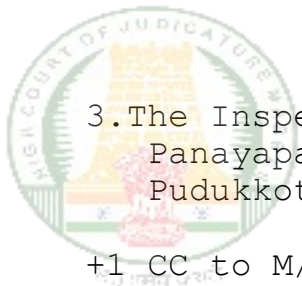
/ /2021

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Pudukottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukottai District.



3.The Inspector of Police,
Panayapatti Police Station,
Pudukkottai District.

+1 CC to M/s.R.RAJARAMAN, Advocate (SR-17970[F] dated 29/04/2021)

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SVN(CO)
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