



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.6454 of 2022

V.Mariappan

... Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District.

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

3.The Tahsildar,
Eral Taluk,
Thoothukudi,
Thoothukudi District.

4.The Taluk Surveyor,
Eral Taluk,
Thoothukudi District.

5.Palsamy

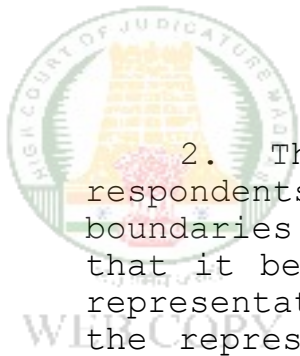
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to survey the land in Survey No.439 situated at Perungulam 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 R-1 to R-4	:	Mr.D.Sasikumar, Additional Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the third respondent to survey the land in Survey No.439 situated at Perungulam Village, Thoothukudi District and consequently directing the second respondent to give police protection on the day of surveying the land within a time frame to be fixed by this Court.



2. The petitioner has submitted an application to the respondents on 14.09.2021 seeking for survey and demarcation of boundaries in respect of the aforementioned property which he claims that it belongs to him absolutely. Thereafter, he has also given a representation on 26.10.2021. Since the said application as well as the representation have not been considered till date, this Writ Petition has been filed.

3. Heard Mr.S.Ramasamy, learned counsel for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4.

4. The petitioner has produced documents in support of his case that he is the owner of the aforementioned property. He has sought for a survey and fixation of boundaries by the appointment of a Surveyor and the petitioner has submitted an application on 14.09.2021 for the said purpose.

5. No prejudice would be caused to the respondents, if the application of the petitioner dated 14.09.2021 is considered on merits and in accordance with law, after hearing the petitioner and the fifth respondent as well as the rival claimants, if any.

6. Accordingly, this Court directs the fourth respondent to survey and fix the boundaries in the petitioner's land in Survey No.439 situated at Perungulam Village, Thoothukudi District, after giving notice to the petitioner and the fifth respondent as well as rival claimants, if any, within a period of twelve (12) weeks from the date of receipt of a copy of this order. If required, the fourth respondent shall seek assistance of the second respondent police for the purpose of conducting survey and demarcation of the petitioner's land.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

1.The Superintendent of Police,
Thoothukudi District.



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

3.The Tahsildar,
Eral Taluk,
Thoothukudi,
Thoothukudi District.

4.The Taluk Surveyor,
Eral Taluk,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-17540[F] dated 08/04/2022)

W.P. (MD) .No.6454 of 2022
07.04.2022

MGJ(26.04.2022) 3P 6C