



WEB COPY

W.P (MD).No.6927 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.6927 of 2022

Selvi

... Petitioner

Vs.

1. The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.
2. The Firka Surveyor,
Arasarkulam East Village,
Aranthangi Taluk,
Pudukkottai District.
3. The Superintendent of Police,
Pudukkottai District.
4. The Inspector of Police,
Nagudi Police Station,
Aranthangi Taluk,
Pudukkottai District.

5.Saroja

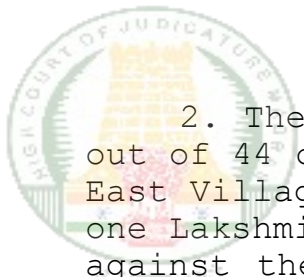
... Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 3rd and 4th respondents to give protection to 2nd respondent to survey and measure western 10 cents out of 44 cents comprised in Re-Survey No.199/3 of Arasarkulam East Village, Aranthangi Taluk, Pudukkottai District belonging to the petitioner so as to put up fence.

For Petitioner	: Mr.N.Balakrishnan
For Respondents	: Mr.R.M.Anbunithi
No.1 to 4	Additional Public Prosecutor(Crl Side)

ORDER

This Petition has been filed to directing the 3rd and 4th respondents to give protection to 2nd respondent to survey and measure western 10 cents out of 44 cents comprised in Re-Survey No.199/3 of Arasarkulam East Village, Aranthangi Taluk, Pudukkottai District belonging to the petitioner so as to put up fence.



2. The petitioner's husband owned land for admeasuring 10 cents out of 44 cents comprised in Survey No.199/3 situated at Arasarkulam East Village, Aranthangi Taluk, Pudukottai District. While being so, one Lakshmi filed a suit for declaration and permanent injunction as against the petitioner's husband in O.S.No.160 of 2000 on the file of the District Munsif Court, Aranthangi and the same was dismissed on 28.06.2007. She filed an appeal suit in A.S.No.3 of 2018 on the file of the Sub-Court, Aranthangi and while pending the appeal suit the appellant namely the Lakshmi and the petitioner's husband passed away. Therefore, the fifth respondent and her sister brought on record as appellants and the petitioner and her sons were brought on record as respondent Nos.2 and 3 in the appeal suit. Therefore, the appeal suit was dismissed by the judgment and decree, dated 28.04.2018, confirming the judgment and decree passed by the trial Court. Thereafter, no appeal has been preferred by the fifth respondent herein.

3. The petitioner submitted her application to survey and measure the said property and also to put boundary stone for effecting sub division before the Revenue officials for the first respondent along with the requisite fee. Though the first respondent engaged the second respondent to survey the land whenever the surveyor entered the land, the fifth respondent obstructed to survey said land. Therefore, the petitioner lodged complaint before the fourth respondent seeking police protection while surveying the land.

4. In view of the above submission, if any surveyor engaged by the first respondent on the request of the petitioner to survey his land comprised in Survey No.199/3 to an extent of 10 cents out of 44 cents, and if the surveyor finds any difficulty or hindrance or obstruction by the fifth respondent while surveying the petitioner's land herein, the surveyor can seek police protection before the fourth respondent. On such request, the fourth respondent is directed to conduct enquiry and provide adequate police protection to the surveyor.

5. With the above direction, the writ petition stands dispose of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr/aav



To

1. The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.
2. The Firka Surveyor,
Arasarkulam East Village,
Aranthangi Taluk,
Pudukkottai District.
3. The Superintendent of Police,
Pudukkottai District.
4. The Inspector of Police,
Nagudi Police Station,
Aranthangi Taluk,
Pudukkottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N. BALAKRISHNAN, Advocate (SR-18661[F] dated 13/04/2022)

W.P (MD) .No.6927 of 2022
13.04.2022

MGJ(28.04.2022) 3P 7C