

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED 22.11.2022**

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**W.P(MD)No.20673 of 2021**

Poovayee

..Petitioner

Vs

1.The Tahsildar,
Musiri Taluk,
Tiruchirappalli District.

2.The Inspector of Police,
Pulivalam Police Station,
Musiri Taluk,
Thiruchirappalli District.

3.Saravanan

4.Saroja

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to survey the land comprised in S.Nos.51/2B and 51/2C situated at Mavanur Village, Musiri Taluk, Sub-Registrar Office, Thuraiyur, Thiruchirappalli District as per the Tamil Nadu Survey and Boundaries Act, 1923 and issue separate patta as per Section 3 and 10 of the Tamil Nadu Patta Passbook Act, 1983 on the basis of the Petitioner's representation, dated 11.10.2021 and further to direct the second respondent to give police protection while surveying the lands on the basis of Petitioner's representation, dated 11.10.2021 within the time frame fixed by this Court.



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For Petitioner :Ms.C.Kayalvizhi

For Respondent-1:Ms.K.Christy The Boral
Addl.Govt.Pleader

For Respondent-2:Mr.B.Thanga Aravindh
Govt.Advocate(Crl.side)

For Respondents :No appearance
3 and 4

ORDER

The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the first respondent to survey the land comprised in S.Nos.51/2B and 51/2C situated at Mavanur Village, Musiri Taluk, Sub-Registrar Office, Thuraiyur, Thiruchirappalli District as per the Tamil Nadu Survey and Boundaries Act, 1923 and issue separate patta as per Section 3 and 10 of the Tamil Nadu Patta Passbook Act, 1983 on the basis of the Petitioner's representation, dated 11.10.2021 and further to direct the second respondent to give police protection while surveying the lands on the basis of Petitioner's representation, dated 11.10.2021 within the time frame fixed by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that the Petitioner had purchased

the prayer mentioned properties from one Chinnasamy, son of Kechappa



Gowder for valuable consideration vide Doc.No.476/1994, dated 4.3.1994 , on the file of Thuraiyur Sub-Registrar Office. The patta for the above said properties also stands in the Petitioner's name. The Petitioner's applications to the respondents 1 and 2 on 29.4.2019 and 6.7.2020 all ended in vain, because of the threat made by the respondents 3 and 4. The subsequent steps taken by the Petitioner is also of no use. Lastly on 11.10.2021, the Petitioner made applications before the respondents 1 and 2 for survey and police protection. As per the circular of the Commissioner of Survey and Settlement, the first respondent has to survey the land within 30 days after necessary charges. Since the same was not done till date, the Petitioner has come forward with this Writ Petition for the relief stated supra.

4. The learned Additional Government Pleaders appearing for the respondents 1 and 2 would submit that the Petitioner's representation will be considered and appropriate orders will be passed within the time limit specified by this Court.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the first respondent to consider the representation, dated 11.10.2021 submitted by the Petitioner for surveying and demarcating the prayer mentioned properties, on merits and in accordance with law, after affording an opportunity of hearing to all



the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that if there is any objection or resistance from the respondents 3 and 4 or any body else, the second respondent/Police is directed to look into the same and provide necessary police protection, if needed, for the abovesaid purpose, on payment of necessary charges by the Petitioner.

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

22.11.2022

Index : Yes/No

Internet: Yes/No

vsn

To

1. The Tahsildar,
Musiri Taluk,
Tiruchirappalli District.

2. The Inspector of Police,
Pulivalam Police Station,
Musiri Taluk,
Thiruchirappalli District.



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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN
W.P(MD)No.20673 of 2021

22.11.2022



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