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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22793 of 2022

R.Murugan

..Petitioner

Vs

1.The Tahsildar,
Vedachandur Taluk,
Dindigul District.

2.The Head Surveyor,
Vedachandur Taluk,
Dindigul District.

3.The Superintendent of Police,
Dindigul District,
Dindigul.

4.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to carry out the survey of the land belonging to the Petitioner in S.No.1364/2A2 measuring an extent of 45 cents situated at Vadamadurai Revenue Village, Vedachandur Taluk with Police protection within the time stipulated by this Court.

For Petitioner :Mr.J.Anandkumar



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For Respondents: Mr.D.Sadiq Raja
1 and 2 Addl.Govt.Pleader

For Respondents : Mr.B.Thanga Aravindh
3 and 4 Govt.Advocate(Crl.side)

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents 1 and 2 to carry out the survey of the land belonging to the Petitioner in S.No.1364/2A2 measuring an extent of 45 cents situated at Vadamadurai Revenue Village, Vedachandur Taluk with Police protection within the time stipulated by this Court.

2.Mr.D.Sadiq Raja, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.B.Thanga Aravindh, learned Government Advocate(Crl.Side) takes notice for the respondents 3 and 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the Petitioner is the owner of the property in S.No.1364/2 measuring an extent of 45 cents situated at Vadamadurai Revenue Village, Vedachandur Taluk, Dindigul District and the same was in peaceful possession and enjoyment of the Petitioner. Whiles, the said property was sub-divided and assigned with new S.No. 1364/2A2 and patta was also issued in his favour in patta No.7833 in the



purchased by one Kalimuthu. The petitioner has submitted an application to the first respondent on 21.1.2022 for survey of his property and also paid necessary charges. The adjacent owner Kalimuthu objected for the same with an intention to grab the petitioner's property. However, the first respondent by his memorandum, dated 23.6.2022 informed that the said Kalimuthu refused to receive notice regarding survey of the Petitioner's property and in order to avoid law and order problem, the Petitioner was directed to approach the competent Civil Court, for necessary relief. Thereafter, the Petitioner approached the fourth respondent Police for adequate police protection and the same was also not considered. Hence the Petitioner sent a representation, dated 6.9.2022 to the respondents 3 and 4 seeking police protection to survey the land. Since the same was not considered the Petitioner has filed this Writ Petition for the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 produced a communication of the Tahsildar, Vedachandur, dated 10.6.2022 seeking police protection from the Sub Inspector of Police, Vedachandur Police Station. The adjacent land owner Kalimuthu was already issued notice on 11.4.2022. Again on 22.4.2022 notice was issued to him but he refused to receive the same. It is stated that the Petitioner has got permission from the Superintendent of Police, Dindigul for giving police protection.



5. In view of the above, the Inspector of Police, Vadamadurai Police Station is directed to give adequate police protection for measuring the property of the Petitioner as sought for herein. The first respondent is directed to issue notice to the adjacent land owner Kalmuthu and if he refused to receive notice, the first respondent is directed to carry out the survey of the land belonging to the Petitioner in S.No.1364/2A2 measuring an extent of 45 cents situated at Vadamadurai Revenue Village, Vedachandur Taluk with Police protection, on merits and in accordance with law, after affording an opportunity of hearing to the other parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

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

28.09.2022

Index : Yes/No

Internet: Yes/No

vsn

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Vedachandur Taluk,



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3. The Superintendent of Police,
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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.22793 of 2022

28.09.2022



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