



W.P(MD)No.21538

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 23.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21538 of 2021

Gopal

..Petitioner

Vs

1.The District Collector,
Collector Office,
Trichy,
Trichy District.

2.The Tahsildar,
Taluk Office,
Marungapuri Taluk,
Trichy District.

3.The Inspector of Police,
Valanadu Police Station,
Marungapuri Taluk,
Trichy District.

4. Mr.A.Thamaraikannan

..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 & 2 to survey the petitioner's property admeasuring 00450 sq.mt at Survey No. 357/2, New survey no.504/3 of Paluvanji Village, Marungapuri Taluk, Trichy District as per patta no.62 with Police Protection provided by the 3rd respondent and change the Field Map measurement as per Patta No.62 within a stipulated period.



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For Petitioner : Mr.B.Rajesh Saravanan
For R1 & R2 : Mr.A.Kannan
Additional Government Pleader
For R3 : Mr.B.Thanga Aravinth
Government Advocate (Crl.Side)
For R4 : No Appearance

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the first and second respondents to survey the petitioner's property at property admeasuring 00450sq.mt at survey no.357/2, New survey no.504/3 of Paluvanji Village, Marungapuri Taluk, Trichy District as per patta no.62 with Police Protection provided by the 3rd respondent and change the field map measurement as per patta no.62 within a stipulated period.

2.Heard Mr.B.Rajesh Saravanan, learned counsel appearing for the petitioner, Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.B.Thanga Aravinth, learned Government Advocate appearing for the third respondent.

3.The Petitioner's case is that the property admeasuring 00450 sq.mt in Survey No.357/2, New Survey No.504/3 of Paluvanji Village, Marungapuri Taluk, Trichy District and other properties were originally belonged to petitioner's father Mr.Subbu and Patta no.62 for Survey no.357/2 was standing in the name of Mr.Subbu. On 21.09.2020, petitioner's father Mr.Subbu, mother



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Vellaiammal along with petitioner's sister Pushbam had gifted 00450 sq.mt in Survey No.357/2, New survey no.504/3 of Paluvanji Village, Marungapuri Taluk, Trichy District and other properties to the petitioner by way of Registered Settlement Deed bearing Regt. No.1555/2020 of Thuvarangurichi SRO.

4.The petitioner further submits that patta for survey no.357/2 had been mutated in his name. But, unfortunately, the measurement of above survey number was wrongly mentioned in the field map. The 4th respondent, who is the petitioner's neighbour is interfering in possession of the above said property. On 20.09.2021 itself the petitioner had paid fee to survey and fix boundaries of the property and for changes in field map. But, the 2nd respondent did not take any action to survey the petitioner's property under the influence of the 4th respondent. Even though, the petitioner brought this fact to the 1st respondent, but no action was taken to survey the above said land. Hence, the petitioner has approached this Court by way of filing the present writ petition for the above said relief.

5.The learned Additional Government Pleader appearing for the respondents 1 & 2 submits that appropriate direction may be given to the respondents 1 and 2 to survey the petitioner's property, in accordance with law, within a time frame.



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6.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents 1 and 2 to survey the petitioner's property in Survey No.357/2, New Survey No.504/3 of Paluvanji Village, Marungapuri Taluk, Trichy District and to make changes in field map measurement as patta no.62 in accordance with law after giving opportunity to all the parties concerned. The third respondent is also directed to give the police protection. The petitioner shall bear the expenses of the third respondent police. Such exercise shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above directions. No costs.

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Index : Yes/No
Internet:Yes/No
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V.BHAVANI SUBBAROYAN,J.

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