



W.P.(MD)No.23334 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23334 of 2022

D.Sugunadevi

.. Petitioner

Versus

- 1.The Revenue Divisional Officer,
The Revenue Divisional Office,
Tiruchendur, Thoothukudi District.
- 2.The Tahsildar,
The Tahsildar Office,
Tiruchendur, Thoothukudi District.
- 3.The Superintendent of Police,
The Superintendent of Police Office,
Thoothukudi District.
- 4.The Surveyor,
The Tahsildar Office,
Tiruchendur, Thoothukudi District.
- 5.The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
- 6.Thavasimuthu

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1, 2 and 4 to survey the petitioner's patta land to an extent of 3.31 cents situated in Old Survey No.204/11B, New Survey No.204/37B situated at Kayalpattinam



W.P.(MD)No.23334 of 2022

Thenpagam Village, Tiruchendoor Taluk, Thoothukudi District and fix the boundaries with the help of the third and fifth respondents thereon based on the representation dated 07.09.2022 within a time stipulated by this Court.

For Petitioner : Mr.S.Pandiayaraj
For Respondents : Mr.D.Gandhiraj (For R1, R2 & R4)
Special Government Pleader
Mr.B.Thanga Aravindh (for R3 & R5)
Government Advocate (Crl.side)

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus to direct the respondents 1, 2 and 4 to survey the petitioner's patta land to an extent of 3.31 cents situated in Old Survey No.204/11B, New Survey No.204/37B situated at Kayalpattinam Thenpagam Village, Tiruchendoor Taluk, Thoothukudi District and fix the boundaries with the help of the third and fifth respondents thereon, based on the representation dated 07.09.2022, within a time stipulated by this Court.

2.Heard Mr.S.Pandiayaraj, learned counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents 1, 2 and 4 and Mr.B.Thanga Aravindh, learned Government Advocate, who takes notice for the respondents 3 and 5. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage



W.P.(MD)No.23334 of 2022

3.Having regard to the nature of the order proposed to be passed in this

Writ Petition, notice to the sixth respondent is dispensed with.

4.The learned counsel for the petitioner submits that the petitioner has purchased the land in Old Survey No.204/11B, New Survey No.204/37B measuring to an extent of 3.31 cents situated at Kayalpattinam Thenpagam Village, Tiruchendoor Taluk, Thoothukudi District and another property from S.Pathirkaliammal and her son S.Thavasimuthu, who is the sixth respondent herein, vide sale deed No.1365 of 1999 dated 24.09.1999. After purchasing the said land, the petitioner has been in peaceful possession and enjoyment of the property and also patta was issued in her name in patta No.4612 by the second respondent, but no documents has been issued by the second respondent. While being so, the sixth respondent, who is the son of the petitioner's vendor, started to encroach into the petitioner's property. His property situated north to petitioner's property. In this regard, the petitioner lodged a complaint before the fifth respondent and the respondent police advised the sixth respondent not to disturb the petitioner's possession and also advised the petitioner to approach the authority concerned to survey the land and fix the boundary. Therefore, in order to ascertain the boundaries and demarcate the lands, the petitioner approached the respondents 1, 2 and 4 to survey the land and fix the boundary line and also paid necessary fee on



W.P.(MD)No.23334 of 2022

21.07.2022 in Challan No.20220721006239, but no action has been taken.

Since the sixth respondent was continuing to disturb the petitioner's possession and also threatened her stating that he will not allow the authority to survey the land, the petitioner has given a representation to the respondents dated 07.09.2022 to survey the land with police protection. But, the same did not evoke any response. Hence, the petitioner is before this Court by way of filing the present Writ Petition for the relief stated supra.

5.The learned Special Government Pleader appearing for the respondents 1, 2 and 4 and the learned Government Advocate (Crl.side) appearing for the respondents 3 and 5 submits that appropriate direction may be given to the respondents to consider the petitioner's representation, dated 07.09.2022, in accordance with law, within a time frame.

6.Considering the limited scope of the prayer sought for by the petitioner, this Court directs the respondents 1, 2 and 4 to consider the representation of the petitioner, dated 07.09.2022 and after issuing notice to the petitioner, the sixth respondent and any other parties concerned, conduct survey in their presence and demarcate the petitioner's land in accordance with law and communicate the decision taken to the petitioner and others concerned, particularly, the sixth respondent herein. Such exercise shall be



W.P.(MD)No.23334 of 2022

completed within a period of six (6) weeks from the date of receipt of a copy of this order. The parties are at liberty to approach the Civil Court, if they so desire.

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

11.10.2022

Index : Yes/No
Rmk

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W.P.(MD)No.23334 of 2022

V.BHAVANI SUBBAROYAN, J.,

Rmk

Order made in
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