



W.P.(MD)No.26353 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26353 of 2022

P.Poonkodi

.. Petitioner

Versus

1.The Tahsildar,
Peraiyur Taluk,
Madurai District.

2.The Taluk Surveyor,
Peraiyur Taluk,
Madurai District.

3.The Inspector of Police,
Elumalai Police Station,
Madurai District.

.. 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 and 2 to survey and demarcate the boundaries of the petitioner's land, situated in Survey No.281/47 of Thullukuttinaickanur Village, Sedapatti Union, Peraiyur Taluk, Madurai District, comprised in Patta No.2110 and to provide adequate police protection for fencing her lands based on the petitioner's representation dated 31.10.2022, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Vikram

For Respondents 1 and 2 : Mr.A.Kannan
Additional Government Pleader



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For 3rd Respondent : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to survey and demarcate the boundaries of her land, situated in Survey No.281/47 of Thullukuttinaickanur Village, Sedapatti Union, Peraiyur Taluk, Madurai District, comprised in Patta No.2110 and to provide adequate police protection for fencing her lands, based on her representation, dated 31.10.2022, within a time frame to be fixed by this Court.

2. Heard Mr.S.Vikram, learned counsel appearing for the petitioner; Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the respondents 1 and 2; and Mr.B.Thanga Aravindh, learned Government Advocate (Criminal side), who takes notice for the third respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the learned counsel for the petitioner, the land bearing S.No.281/47, situated at Thullukuttinaickanur Village, Peraiyur Taluk, Madurai District, has been allotted to the petitioner under Landless Poor Agricultural Families Special Scheme, 2006. She is in possession and



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enjoyment of the said land for the past 16 years and individual Patta bearing Patta No.2110 has been granted to the petitioner. Moreover, the petitioner had also insured the said land under Pradhan Mantri Rasal Bima Yojana. In order to survey the said land and to fence the same, she made an application dated 31.10.2022, to the respondents 1 and 2 along with requisite fees. Since the same has not been considered so far, the petitioner has filed the present Writ Petition for the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that already the representation of the petitioner, dated 31.10.2022, has been considered and rejected on 17.10.2022 on the ground that there is no document to show that the petitioner is in possession of the said land and there is an objection by some third party, claiming right over the said land and therefore, the petitioner was advised to approach the competent Civil Court to redress her grievance.

5. At this juncture, the learned counsel appearing for the petitioner harps on the point again and again that the petitioner is in possession of the said land and she had also insured the said land under Pradhan Mantri Rasal Bima Yojana and received the insurance amount, which does not prove the possession of the petitioner. Further, possession cannot be decided by this



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is dismissed with liberty to the petitioner to approach the competent civil court to redress her grievance. No costs.

Index : Yes/No
smn2

22.11.2022

To

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Madurai District.
- 2.The Taluk Surveyor,
Peraiyur Taluk,
Madurai District.
- 3.The Inspector of Police,
Elumalai Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
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