



W.P.(MD)No.26281 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26281 of 2022

K.H.Meera

.. Petitioner

Versus

1.The Tahsildar,
Thisaiyanvilai Taluk,
Taluk Office,
Thisaiyanvilai,
Tirunelveli District.

2.The Head Surveyor,
Thisaiyanvilai Taluk,
Taluk Office,
Thisaiyanvilai,
Tirunelveli District.

3.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.

4.Sivasubramaniyan, S/o.Sangaralingam

5.Murugeswari, W/o.Sivasubramaniyan

.. Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to survey the petitioner's land in S.No.228/3, situated at Thisaiyanvilai Village, Thisaiyanvilai Taluk, Tirunelveli District, with adequate police protection by



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considering the petitioner's representation, dated 14.07.2022 and 18.07.2022, within the time stipulated by this Court.

For Petitioner : Mr.R.Aravind Raj
For Respondents 1 and 2: Mr.D.Gandhiraj
Special Government Pleader
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 second respondent to survey her land in S.No.228/3, situated at Thisaiyanvilai Village, Thisaiyanvilai Taluk, Tirunelveli District, with adequate police protection, by considering her representations, dated 14.07.2022 and 18.07.2022, within a time frame.

2. Heard Mr.R.Aravind Raj, learned counsel appearing for the petitioner; Mr.D.Gandhiraj, learned Special 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.



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

Writ Petition, notice to the respondents 4 and 5 is dispensed with.

4. According to the learned counsel for the petitioner, the property in S.No.228/3, measuring an extent of 0.04.50 Hectare, situated at Thisaiyanvilai Village, Tirunelveli District, is the ancestral property of the petitioner's husband namely, K.Hasan Ali Maraikayar and the revenue records stood in his name in Patta No.38. On 29.09.2021, he executed a gift deed in favour of the petitioner and thereafter, she is in possession and enjoyment of the said property and she was issued with Patta No.5749. She made a representation, dated 14.07.2022, to the respondents 1 and 2 along with requisite fees to survey the said land. In the meanwhile, the respondents 3 and 4 filed a suit in O.S.No.334 of 2022 before the Additional District Court, Tirunelveli, against the petitioner and her husband, for declaration and permanent injunction, in respect of property in S.No.228/2D, situated at Thisaiyanvilai Village, Tirunelveli District. The petitioner has also submitted a representation, dated 18.07.2022 to the third respondent to give police protection while conducting survey. The respondents 1 to 3 have not considered the request of the petitioner for survey on the ground that civil suit is pending. However, the civil suit is filed in respect of S.No.228/2D. Therefore, the petitioner has filed the present Writ Petition for the relief stated supra.



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5. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner's land would be surveyed and demarcated, on the basis of her representations, dated 14.07.2022 and 18.07.2022, within a time frame to be fixed by this Court.

6. Considering the fact that the suit filed by the respondents 3 and 4 is with respect to a different survey number and there is no suit pending in respect of the property in question and also considering the submission made by the learned Special Government Pleader appearing for the respondents 1 and 2, this Court, without going into the merits of the case, directs the respondents 1 to 3 to survey the property in question and demarcate the boundaries, based on the representations of the petitioner, dated 14.07.2022 and 18.07.2022, after issuing notice to all the necessary parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order.

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

Index : Yes/No
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To

1.The Tahsildar,
Thisaiyanvilai Taluk,
Taluk Office,
Thisaiyanvilai, Tirunelveli District.

<https://www.mhc.tn.gov.in/judis>



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2.The Head Surveyor,
Thisaiyanvilai Taluk,
Taluk Office,
Thisaiyanvilai,
Tirunelveli District.

3.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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