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W.P(MD)No.26661

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED 25.11.2022**

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**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**W.P(MD)No.26661 of 2022**

R.M.Arivoli

..Petitioner

Vs

1.The Tahsildar,  
Thirumayam Taluk,  
Pudukkottai District.

2.The Inspector of Police,  
Thirumayam Police Station,  
Pudukkottai District.

3.K.Murugesan  
4.S.Manoharan

..Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent herein to conduct survey, measurement and fix boundaries with the assistance of police protection from the second respondent herein in the patta land of the petitioner vide patta No.2277 in Survey Nos.69/1, 69/2, 69/3 & 69/4 situated in Kummangudi Village, Thirumayam Taluk, Pudukkottai District.

For Petitioner :Mr.S.Srinivasa Raghavan

For R1 :Mrs.K.Christy Theboral  
Additional Government Pleader

For R2 :Mr.R.M.Anbunithi  
Additional Public Prosecutor



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## **ORDER**

The Petitioner has prayed for issuance of a Writ of Mandamus directing the first respondent herein to conduct survey, measurement and fix boundaries with the assistance of police protection from the second respondent herein in the patta land of the petitioner vide patta No.2277 in Survey Nos.69/1, 69/2, 69/3 & 69/4 situated in Kummangudi Village, Thirumayam Taluk, Pudukottai District.

2.Heard Mr.S.Srinivasa Raghavan, learned counsel appearing for the petitioner, Mrs.K.Christy Theboral, learned Additional Government Pleader appearing for the first respondent and Mr.R.M.Anbunithi, learned Additional Public Prosecutor appearing for the second respondent.

3.The Petitioner's case is that the patta lands vide Patta No.35 in Survey Nos.69/1, 2, 3 & 4 in Kummangudi Village, Thirumayam Taluk, Pudukkottai District was originally belonged to one Maria Joseph. The petitioner's father namely, Raman had entered into a sale agreement for purchase of the same in 2008 and due to the dispute, his father filed a suit in O.S.No.2 of 2011 before the Fast Track Court, Pudukkottai. Pending suit, an advocate commissioner was appointed and had inspected the suit properties along with Village Administrative Officer and Surveyor and conducted survey and measurement with revenue records and FMB sketch and filed a report before the trial Court that suit properties tallied with revenue records and excluding cart track and



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burial ground measuring 43 cents, remaining extents were held by the owner Maria Joseph. The said suit was decreed on 11.02.2017 in favour of his father.

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3. Challenging the said decree, the defendant filed an appeal suit in A.S(MD)No.92 of 2012 before this Court and during pendency of the appeal, a compromise was made and suitable order was passed in the Lok Adalath on 11.02.2017. On the same day, the appellant/vendor sold the suit properties for the current market price at Rs.24,80,133/- and a registered a sale deed executed in favour of petitioner vide Doc.No.114/2017. Thus, he became the absolute owner thereof, patta transfer was issued to his name, patta No.2277 was issued to him and all revenue records were mutated in his name. The petitioner is doing agricultural activities and recently when he went to dig a bore well, the respondents 3 to 7 objected stating that his patta land is a water source area and he hence, he made a complaint to the revenue officials. He also requested the first respondent to conduct survey and fix boundaries of his patta land and also paid necessary charges under E.Challan on 10.10.2022. While so, the respondents 3 to 7 have made a false complaint to the District Collector, Pudukkottai as if he has encroached into the water source area. He sent a reply enclosing copy of FMB sketch showing patta land survey number and water source area. The petitioner sent a representation to the first respondent on 02.11.2022 that the respondents 3 to 7 and their henchmen are causing damage to the machineries and materials available in his patta lands and requested for statutory action against them. The respondents 3 to 7 are



causing nuisance and preventing the revenue officials from discharging their duties, 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.

4.The learned Additional Government Pleader appearing for the first respondent submitted that appropriate direction may be given to the first respondent to survey the petitioner's property, in accordance with law, within a time frame.

5.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the first respondent to consider the petitioner's request and after issuing notice and affording an opportunity to the parties concerned, conduct survey in their presence and demarcate the land in Patta No.2277 in Survey Nos.69/1, 69/2, 69/3 and 69/4 situated in Kummangudi Village, Thirumayam Taluk, Pudukkottai District and pass orders in accordance with law and communicate the decision taken by the respondents to the petitioner and others concerned. Such exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. If necessary, the second respondent shall give police protection for surveying the land and the petitioner shall pay the necessary charges for police protection.



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

**25.11.2022**

Index : Yes/No  
Internet:Yes/No  
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To

- 1.The Tahsildar,  
Thirumayam Taluk,  
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**V.BHAVANI SUBBAROYAN,J.**

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