



W.P.(MD)No.26849 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26849 of 2022

Kulasekaran, S/o.Rasuthevar

.. Petitioner

Versus

1.The Tahsildar,
O/o. the Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

2.The Village Administrative Officer,
7, Senkottai,
Vilathikulam Taluk,
Thoothukudi District.

3.The Surveyor,
Vilathikulam Taluk Office,
Thoothukudi District.

4.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

5.The Inspector of Police,
Masarpatty Police Station,
Thoothukudi District.

6.Subbaiah, S/o.Mariyappan

7.Marikkannan, S/o.Subbaiah

8.S.Ravikumar, S/o.Subbaiah

.. Respondents



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Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to depute the third respondent to survey and demarcate the property comprised in S.No. 394/22, Old S.No.141/B, situated at Senkottai Village, Senkottai Panchayat, Vilathikulam Taluk, Thoothukudi District considering petitioner's application, dated 09.06.2022 and further direct the fifth respondent to provide necessary protection for the above process.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents 1 to 3 : Mrs.K.Christy Theboral
Additional Government Pleader

For Respondents 4 & 5 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to depute the third respondent to survey and demarcate the property comprised in S.No.394/22, Old S.No.141/B, situated at Senkottai Village, Senkottai Panchayat, Vilathikulam Taluk, Thoothukudi District, by considering his application, dated 09.06.2022 and further direct the fifth respondent to provide necessary protection for the above process.

2. Heard Mr.P.R.Pritiviraj, learned counsel appearing for the petitioner; Mrs.K.Christy Theboral, learned Additional Government Pleader, who takes notice for the respondents 1 to 3; and Mr.B.Thanga Aravindh, learned



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Government Advocate (Criminal side), who takes notice for the respondents 4 and 5. 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. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 6 to 8 is dispensed with.

4. According to the learned counsel for the petitioner, the petitioner is the owner of the property in question. The sixth respondent, who is his adjacent land owner, attempted to encroach upon the said property. Hence, the petitioner made an application along with requisite fees before the first respondent to survey and demarcate his land. The third respondent already surveyed the property based on the records. After the said survey, when it was attempted to lay the boundary stones, the respondents 6 to 8 obstructed for the same and created problems and threatened them with dire consequences. Thus, the survey and demarcation could not be completed on that day. Under the said circumstances, when the petitioner approached the fifth respondent and requested police protection, the fifth respondent has directed the petitioner to obtain necessary orders from the Court for Police protection. The fifth respondent directed the petitioner to obtain necessary orders from the Court for Police protection. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.



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5. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner's land would be surveyed and demarcated, on the basis of his application, dated 09.06.2022, within a time frame to be fixed by this Court.

6. Considering the aforesaid submission made by the learned Special Government Pleader appearing for the respondents 1 to 3, this Court, without going into the merits of the case, directs the respondents 1 and 3 to survey the property in question and demarcate the boundaries, based on the application of the petitioner, dated 09.06.2022, after issuing notice to all the necessary parties concerned, within a period of 16 weeks from the date of receipt of a copy of this order. The fifth respondent Police is directed to provide adequate police protection while surveying the land in question, if necessary, on payment of necessary charges by the petitioner.

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

Index : Yes/No
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Vilathikulam Taluk,
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- 4.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 5.The Inspector of Police,
Masarpatty Police Station,
Thoothukudi District.
- 6.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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