



W.P(MD)No.19584 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19584 of 2020

Parvathi

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Inspector of Police,
Pettavaithalai Police Station,
Pettavaithalai,
Trichy District.

3.The Tahsildar,
Srirangam Taluk Office,
Srirangam,
Trichy District.

4.The Taluk Surveyor,
Srirangam Taluk Office,
Srirangam,
Trichy District.

5.Pitchaimani

6.Loganathan

7.Rengaraj



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8.Amirtham

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 & 2 to give necessary police protection to survey the land situated in S.No.234/42 to the extent of 15 cents in Kavalkkarappalayam Village, Sirugamani Post, Srirangam Taluk, Trichy District with the help of the surveyor on the basis of the petitioner's representation dated 29.08.2020.

For Petitioner : Mr.P.Santhana Krishnan

For Respondents : Mr.A.K.Manikkam
Special Government Pleader for R3 & R4

: Mr.B.Thanga Aravindh
Government Advocate (Crl.side) for R1 & R2
: no appearance for R5 & R7

ORDER

The main prayer itself is for police protection. Such a relief cannot be granted. However, the petitioner is permitted to submit a fresh application for conducting survey.

2. The Writ Petition is disposed of with the following directions:-

(I) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.



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(II) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(III) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on. It is open to the parties to serve memo of instructions to the surveyor at the time of conducting the survey. The same will be borne in mind. While it cannot be binding on the surveyor, the same will be taken note of.

(IV) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(V) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.



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(VI) It is made clear that at the end of the survey exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid. The Survey Authority will pass order within a period of six weeks after service of notice on the interested persons.

(VII) A copy of the survey report will be served on the parties also.

No costs.

01.03.2023

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Superintendent of Police,
Trichy District,
Trichy.
- 2.The Inspector of Police,
Pettavaithalai Police Station,
Pettavaithalai,
Trichy District.
- 3.The Tahsildar,
Srirangam Taluk Office,
Srirangam,
Trichy District.



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4.The Taluk Surveyor,
Srirangam Taluk Office,
Srirangam,
Trichy District.



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G.R.SWAMINATHAN, J.

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