



CrI.O.P(MD)No.21340 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27/11/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.21340 of 2023

R.Kandaswamy : Petitioner

Vs.

1.The Superintendent of Police,
Trichy.

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

3.The Sub Inspector of Police,
Kattuputhur Police Station,
Trichy.

4.Rajagobal

5.The Surveyor,
Taluk Office,
Thottiyam.
(R5 is suo-motu impleaded
as per order of this court,
dated 27/11/2023)

: Respondents

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the respondents 1 to 3 to provide adequate police protection to the petitioner's life and limb on the basis of the petitioner's representation, dated 05/11/2023.

For Petitioner : Mr.R.Rajaraman

For R1 to R3
and R5

: Mr.R.M.Anbunithi
Additional Public Prosecutor



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The criminal original petition has been filed seeking for direction to the respondents 1 to 3 to provide adequate police protection to the petitioner's life and limb on the basis of the petitioner's representation, dated 05/11/2023.

2.The facts in brief:-

The petitioner is the owner of the property comprised in Survey Nos.586/3H2 (Patta No.3832) measuring about 50 cents situated at Nagaiyanallur Village, Thottiyam Taluk, Tiruhirapalli District. In the above said land, due to financial requirement, the petitioner sold an extent of 25 cents to one R.Tamilselvan by way of registered sale deed, dated 09/08/2023. The 4th respondent is his neighbour, who is making frequent trouble for measuring the property. On 30/08/2023, when the Surveyor along with the revenue officials came to the property to measure the four boundaries, the 4th respondent abused them in filthy language and also made life threat to the petitioner. The petitioner made a complaint, on 05/11/2023 before the 3rd respondent police seeking necessary action and receipt was also issued in CSR No. 670 of 2023. But there is no response till date. So this petition is filed seeking for direction as stated above.



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3.Heard both sides.

4.The learned counsel appearing for the petitioner would straightaway draw the attention of this court to section 10 of the Tamil Nadu Survey and Boundaries Act.

5.Section 10 of the Tamil Nadu Survey and Boundaries Act, reads as follows:-

"10.(1)Where a boundary is disputed, the survey officer, after making such inquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision. The survey officer shall record in writing the reasons for his decision.

(2)Notice of every decision of the survey officer under section 10(1) shall be given in the prescribed manner to the parties to the dispute and other registered holders of the lands the boundaries of which may be affected by the decision."

6.Whenever survey is undertaken and if any petition is made by the third parties, it is the duty of the competent authority to make enquiry under section 10 of



the Act. Depending upon the out come of the enquiry,
further action must be taken.

7.The main grievance of the petitioner is that because of the frequent trouble made by the 4th respondent, survey could not be completed. So, this criminal petition is filed.

8.The learned Additional Public Prosecutor would submit that if any proper representation is made by the concerned Surveyor, the concerned respondent police is ready to give police protection.

9.For this purpose, the Surveyor attached to Thottiyam Taluk is *suo-motu* impleaded as 5th respondent in this case. The Registry is directed to make necessary amendment in the cause title before issuing order copy.

10.In view of the above, the petitioner is directed to give a proper representation seeking measurement of the property to the concerned authority namely the 5th respondent herein. On receipt of such representation, after taking proper steps, the 5th respondent can measure the property in question after conducting enquiry as per Section 10 of the Tamil Nadu Survey and Boundaries Act,



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1923. If there is any trouble made by the private respondent, the 5th respondent can make a representation before the second respondent seeking police protection. The said process should be completed within a period of one month from the date of receipt of a copy of this order. Depending upon the out come of the enquiry, further action either by the official respondents or by the concerned parties, if so aggrieved over the out come, may work out the remedy through proper process or proceedings as the case may be.

11.It is made clear that no positive direction is issued to the respondents police to provide police protection for the purpose of measuring the property. Only after following proper procedure, as mentioned above, further action can be taken depending upon the situation.

12.With the above said direction, this Criminal Original Petition stands **disposed of**.

27/11/2023

Index:Yes/No
Internet:Yes/No
pnm/er



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To,

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Trichy District.
- 3.The Sub Inspector of Police,
Kattuputhur Police Station,
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- 4.The Surveyor,
Taluk Office,
Thottiyam.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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