



W.P(MD)No.27711 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27711 of 2023

and

W.M.P(MD)No.23837 of 2023

A.Murugesan

... Petitioner

Vs.

1.The Tahsildar,
Musiri Taluk,
Musiri,
Trichy District.

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

3.Paulraj

4.Kannammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the first respondent not to measure the land and dispossess the petitioner from the



W.P(MD)No.27711 of 2023

property comprised in S.No.180/1H, M.Pudupatti Post, Musiri Taluk, Trichy District having an extent of 46 cents in terms of the proceedings of the first respondent made in Na.Ka.S/8448/2020 dated 15.02.2021.

For Petitioner : Mr.R.Murali

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1

Mr.A.Albert James
Government Advocate for R.2

No Appearance for R.3 & R.4

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Special Government Pleader appearing for the first respondent and the learned Government Advocate appearing for the second respondent.

2. The learned counsel appearing for the petitioner points out that when a request for survey was made by the fourth respondent in 2021, it was rejected vide memorandum dated 15.02.2021 by Tahsildar, Musiri. Thereafter, the fourth respondent sold the property in favour of the third



W.P(MD)No.27711 of 2023

respondent. The petitioner's grievance is that at the instance of the third respondent, survey is sought to be done and the petitioner is facing the threat of dispossession. That led to the filing of this writ petition.

3. When the matter was taken up for hearing, the learned Special Government Pleader on instructions submitted that survey was already done on 01.09.2023 and there is no proposal to conduct any fresh or further survey.

4. The object of survey can only to indicate the four boundaries and nothing else. It cannot lead to anybody's dispossession. I wanted to know as to why the local Police has been impleaded as one on the respondents. The learned counsel for the petitioner submitted that Police are supporting the third respondent. I make it clear that in such cases the Police will have to necessarily keep away. Only if any cognizable offence is committed, FIR can be registered and action taken as per Criminal Procedure Code.



W.P(MD)No.27711 of 2023

5. With this observation, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The Tahsildar,
Musiri Taluk,
Musiri,
Trichy District.
- 2.The Inspector of Police,
Musiri Police Station,
Musiri,
Trichy District.



WEB COPY



W.P(MD)No.27711 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.27711 of 2023
and
W.M.P(MD)No.23837 of 2023

22.11.2023