



WP.No.36403 of 2024

In the High Court of Judicature at Madras

Dated : 09.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36403 of 2024

Maheshwari

...Petitioner

Vs

1.The Deputy Superintendent of
Police, Kallakurichi Subdivision,
Kallakurichi District.

2.The Tahsildar, Kallakurichi
Taluk, Kallakurichi District.

3.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.

4.Balashanmugam

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to survey and point out the field boundaries of the petitioner's properties comprised in old S.Nos.180/10, 180/3B, 180/4, 180/5, 180/6 and 180/7, new S.Nos.180/10A, 180/3B1, 180/4B, 180/5C, 180/6B and 180/7B at Indali Village, Kallakurichi Taluk, Kallakurichi District to an extent of 1 acre and 94 1/2 cents by fixing stones with police aid at the time of survey in pursuance of the petitioner's representation dated 08.10.2024.



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For Petitioner : Mr.C.Deepakkumar
For R1 & R3 : Mr.R.Vinoth Raja, GA (Crl.Side)
For R2 : Mr.A.Selvendran, SGP

ORDER

Seeking a direction to the second respondent to consider her online application dated 08.10.2024 to conduct a survey in respect of the lands in old S.Nos.180/10, 180/3B, 180/4, 180/5, 180/6 and 180/7, new S.Nos.180/10A, 180/3B1, 180/4B, 180/5C, 180/6B and 180/7B at Indali Village, Kallakurichi Taluk, Kallakurichi District measuring 1 acre and 94 1/2 cents with the assistance of police officials, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader accepting notice for the second respondent and the learned Government Advocate (Crl.Side) accepting notice for respondents 1 and 3.

3. The petitioner would contend that she purchased the said properties by way of a sale deed dated 13.6.2022 vide Doc.No.2726 of 2022 on the file of the Joint Sub-Registrar 2, Kallakurichi from one Mr.K.Mariyappan. Pursuant to the order passed by the Joint Sub-Registrar-2, Kallakurichi to the second respondent for patta transfer in



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in favour of the petitioner, when the officials of the second respondent attempted to survey the said properties, the fourth respondent raised objections. Hence, the petitioner made an online application to the second respondent on 08.10.2024 to conduct a survey and fix the boundaries. She also paid necessary charges. The petitioner also sent a representation dated 08.11.2024 to the third respondent seeking protection while conducting survey in respect of the said properties. As nothing was forthcoming, the writ petition has been filed.

4. As seen from the copy of the document enclosed along with the affidavit filed in support of the writ petition, the said properties belong to the petitioner. Hence, the petitioner requested the second respondent to conduct a survey by making an online application on 08.10.2024.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the second respondent to conduct a survey of the said properties. The petitioner shall submit all the relevant records to show her title to the said properties and the second respondent shall, after issuing notice to the fourth respondent and other interested parties, hold an enquiry and thereafter pass orders either surveying the said properties and demarcating the



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boundaries or rejecting the request. If there is any disturbance while conducting the survey, the second respondent may approach the first respondent for necessary police protection. The aforesaid exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that in the case of rejection, a speaking order shall be passed by the second respondent.

No costs.

09.12.2024

To

- 1.The Deputy Superintendent of Police, Kallakurichi Subdivision, Kallakurichi District.
- 2.The Tahsildar, Kallakurichi Taluk, Kallakurichi District.
- 3.The Inspector of Police, Chinnasalem Police Station, Kallakurichi District.

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