



W.P.(MD)No.3402 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 15.02.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.3402 of 2024

S.Ponnambalam

...Petitioner

/Vs./

- 1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.
- 2.The Tahsildar,
Tirunelveli Taluk,
S.N.High Road,
Tirunelveli.
- 3.The Town Zonal Inspector Of Survey,
Thatchanallur Zone,
Tirunelveli Corporation,
Tirunelveli.
- 4.The Taluk Head Surveyor,
Office of the Taluk Head Surveyor,
Tirunelveli Taluk,
Tirunelveli District.
- 5.The Town Land Surveyor,
Tirunelveli Corporation,
S.N.High Road,
Tirunelveli.



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6.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

7.The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 5 to demarcate, subdivide and to issue individual patta in respect of portion of the property in Survey No.723 part (corresponding T.S.No.95, Ward No.A, Chathram Puthukulam, Block No.20, Tirunelveli Corporation), Chathram Puthukulam, Tirunelveli Taluk and Municipal Corporation measuring an extent of 2 acres and 25.35 cents and further directing the respondents 6 and 7 to grant police protection in order to carry out survey, demarcation and subdivision of property in Survey no.723 part (corresponding T.S.No.95, Ward No.A, Chathram Puthukulam, Block No.20, Tirunelveli Corporation), Chathram Puthukulam, Tirunelveli Taluk and Municipal Corporation by considering the petitioner's final representation dated 11.12.2023.

For Petitioner : Mr.M.P.Senthil

For Respondents : Ms.K.Christy Thebaral (R1 to R5)

Additional Government Pleader

Mr.SS.Madhavan (R6 & R7)

Government Advocate



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ORDER

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This writ petition has been filed for issuance of writ of mandamus directing the respondents 1 to 5 to demarcate, subdivide and to issue individual patta in respect of portion of the property in Survey No.723 part (corresponding T.S.No.95, Ward No.A, Chathram Puthukulam, Block No.20, Tirunelveli Corporation), Chathram Puthukulam, Tirunelveli Taluk and Municipal Corporation measuring an extent of 2 acres and 25.35 cents and further directing the respondents 6 and 7 to grant police protection by considering the petitioner's final representation dated 11.12.2023.

2. According to the petitioner, the petitioner is in possession and enjoyment of the subject property. Due to the property dispute, a suit was filed before the lower Court, which ended in S.A.No.670 of 2000 allowed in part. The petitioner made an application for survey, subdivision and issuance of patta with respect to the subject property. The petitioner has also paid necessary fee for the same. The petitioner also sent a representation to the respondents in this regard. Since no action has been taken by the respondents, this writ petition has been filed.



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WEB COP 3. The learned Additional Government Pleader appearing for the respondents submits that the petitioner's land can be measured within the time frame fixed by this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. By consent of both parties, this writ petition is disposed at the stage of admission itself.

5. Considering the above facts and circumstances of the case, this Court directs the respondents to conduct survey of the subject property by taking note of the judgment of this Court dated 31.03.2021 in SA.No.670 of 2000 and by considering the representation made by the petitioner dated 11.12.2023, in the presence of the petitioner and any other necessary party, whom the respondents deem fit to put on notice within a period of twelve [12] weeks from the date of receipt of a copy of this order. 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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6. With the above directions, this writ petition is disposed of. No costs.

15.02.2024

NCC : Yes/No

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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Dated:
15.02.2024