



W.P.(MD)No.14557 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED 12.01.2024

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

W.P.(MD)No.14557 of 2023

and

W.M.P.(MD)No.13298 of 2023

Sathya

...Petitioner

/Vs./

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

3.The Tahsildar,
Ambasamudhiram Taluk,
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 to survey and demarcate the petitioner's property comprised in Survey No. 1151/3A, in Patta No.1427, situated at Ayyanarkulam, Ambasamudhiram Taluk, Tirunelveli District along with police protection by considering the petitioner's representations dated 17.04.2023 and 31.05.2023 within the time frame that may be fixed by this Court.



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For Petitioner : Mr.A.Rajaram

For Respondents : Mr.D.Gandhiraj (R1 & R3)

Special Government Pleader

Mrs.M.Aasha (R2)

Government Advocate (Crl.Side)

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents to survey and demarcate the petitioner's property comprised in Survey No.1151/3A, in Patta No.1427, situated at Ayyanarkulam, Ambasamudhiram Taluk, Tirunelveli District with police protection by considering the petitioner's representations dated 17.04.2023 and 31.05.2023 within the time frame that may be fixed by this Court.

2. The case of the petitioner is that the subject property is an ancestral property, which is in possession and enjoyment of the petitioner. While this being so, the nearby private temple Ayya Kovil Trustees occupied her land and laid a road, which is used for car festival. But other public are also using the road for common purpose by occupying the patta land for 3½ cents. With regard to the same, the petitioner made a representations on 21.05.2018 to the respondents. Since no action has been taken, the petitioner filed a writ petition



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in WP(MD)No.11750 of 2018, to direct the respondents to consider the representation, which was also allowed by this Court. Thereafter, the petitioner made a representation to the respondents to survey her land. While surveying the land, the temple trustees disturbed and threatened not to measure the land. She also gave a representation to the respondents to remove the encroachment and repossess her land. Till date, no action has been taken. Hence, the present writ petition.

3. The learned Special Government Pleader appearing for the respondents on written instructions submits that the petitioner's land has already been surveyed on 14.07.2023 and he has also produced a communication of the third respondent dated 21.07.2023 in Na.Ka.No.Aa5/3360/2023, to the Tirunelveli Assistant Director of Land Survey, in which it is stated that the petitioner's land was surveyed and nearby land of the petitioner in S.No.437 is classified as Tharisu as per A-Register.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader and the learned Government Advocate appearing for the respondents.



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5. It is clear from the records that as per A-Register, the land in S.No. 1151/3A measuring to an extent of 0.29.00 hectares belongs to one Lakshmana Perumal and three others. As per Document No.563/1997, in S.No.1151/3A, the land measuring to an extent of 0.04.85 hectares and as per the Document No.1036/2018, the land measuring to an extent of 0.03.64 hectares have been purchased by the petitioner.

6. It is seen that the land in S.No.437 is classified as Tharisu as per A-Register and the petitioner cannot have any right over the property. The temple authorities have laid down the road only in their area and it is situated far away from the land of the petitioner. The petitioner's property has already been surveyed and a copy of the sketch has also been produced to the learned counsel appearing for the petitioner to enable the petitioner to proceed further.

7. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2024

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



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P(MD)No.14557 of 2023

Dated:
12.01.2024