



W.P.(MD)No.26323 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.26323 of 2024

Ronald

... Petitioner

Vs.

1.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

2.Wilson

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to survey the land with an extent of 5.50 Ares comprised in Survey No.873/7 of Unnamalaikadai Village, Vilavancode Taluk, Kanyakumari District and fix its boundaries by laying survey stones by getting necessary police protection.

For Petitioner : Mr.Arun Kumar

For R1 : Mr.A.Kannan
Additional Government Pleader



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ORDER

This writ petition has been filed to direct the first respondent to survey the land with an extent of 5.50 Ares comprised in Survey No.873/7 of Unnamalaikadai Village, Vilavancode Taluk, Kanyakumari District and fix its boundaries by laying survey stones by getting necessary police protection.

2. The subject land originally belonged to the petitioner's grandfather and patta was issued in Patta No.9648 in his name. The petitioner's grandfather bequeathed the said property in favour of the petitioner's father vide registered Will, dated 06.01.1987. The petitioner's father in pursuance of the Will in his favour mutated the patta in his name. The petitioner's father vide settlement deed, dated 18.02.2022 settled the said property in favour of the petitioner and the petitioner in pursuance of the said settlement deed is in possession and enjoyment of the property by mutating the patta in his name. The petitioner made an application to the first respondent to survey his land and remitted the necessary charges for the same. At the time of conduct of the survey, the second respondent raised objections and therefore, the first respondent stalled the survey. Despite the petitioner's request to the first respondent to get police



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protection and complete the survey, the first respondent evinced no interest in conducting the survey. Therefore, the petitioner left with no other remedy filed the writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the Thasildar though initially conducted the survey because of the objection raised by the second respondent stalled the survey by directing the petitioner to get police protection for conducting the survey. The learned counsel for the petitioner further submitted that there is absolutely no justification for the respondents to stall the survey and it was the bounden duty of the respondent to take precautionary measures to conduct the survey and not to expect the petitioner to provide police protection for conducting survey.

4. The learned Additional Government Pleader for the first respondent submitted that as the second respondent was objecting and creating issues for conducting survey, the petitioner was requested to provide police protection. Therefore, a direction may be issued to the petitioner to implead the Inspector of Police, Vilavancode Taluk.



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5. Heard the learned counsels on either sides and perused the materials on record.

6. The first respondent collected the charges for conducting survey and it is the bounden duty of the first respondent to conduct the survey and he cannot expect the petitioner to provide police protection for conducting survey. Therefore, a direction is issued to the first respondent to survey the lands of the petitioner and fix its boundaries by getting necessary police protection. Needless to state that the second respondent should be put on notice of survey. The exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. No costs.

04.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN



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N.MALA, J.

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