



W.P.(MD)No.26664 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.26664 of 2024

M.Ganesan

... Petitioner

Vs.

1.The Tahsildar,
Musiri Taluk,
Thiruchirappalli District.

2.The Inspector of Police,
Thathangayarpetti Police Station,
Tiruchirappalli District.

3.Palpandi @ Pandiyan

4.Balasubramani

5.Sasikumar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus, to direct the second respondent to provide adequate police protection for surveying the petitioner's land in S.No.356/1D, to an extent of 2 Acre and 33 Cents, Karukudi Village, Musiri Taluk, Tiruchirappalli District. Since the first respondent is ready to survey the petitioner's land, the respondents 3 to 5 illegally threatening the petitioner and causing disturbance to survey the petitioner's land.



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For Petitioner : Mr.R.Rajesh
For R1 : Mr.M.Muthumanikkam
Government Advocate
For R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The petitioner purchased agricultural land in S.No.356/1D, measuring 2 acres and 33 cents, situated at Karukudi Village, Musiri Taluk, Tiruchirappalli District, from one Sudhakaran. The sale was registered as Document No.882 of 2022, dated 18.04.2022. Thereafter, the petitioner intended to continue agricultural activities on the said land with his family and also obtained Patta in his favour. However, the private respondents 3 to 5, who are residents of the locality, have been disturbing the peaceful possession and enjoyment of the petitioner, and are preventing him from carrying out any agricultural activities on his land.

2. The petitioner submitted a representation to the first respondent requesting that the boundaries of his land be marked and surveyed. Upon submission of the required documents and payment of the fees, the revenue officials visited the site. However, at that time, respondents 3 to



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5 disturbed the Surveyor and the officials. Hence, a case in Crime No. 61 of 2022 was registered against them before the second respondent Police. Subsequently, the petitioner made another representation to the first respondent on 24.09.2024, requesting the boundaries to be marked and paid the surveying charges again. Despite several efforts by the first respondent, the survey has not been carried out, as respondents 3 to 5 had previously issued threats. Therefore, the first respondent directed the petitioner to seek police protection. Hence, the present writ petition.

3. The learned Government Advocate for the first respondent, on instructions, submitted that the petitioner's property details were verified, and it was confirmed that the petitioner is the rightful owner of the property. However, when an attempt was made to survey the land, the private respondents used force to obstruct the public servants from conducting the survey. Therefore, the survey team was chased off in May 2022. A complaint was subsequently filed with the second respondent, who registered a case in Crime No. 61 of 2022. Following this, the petitioner filed another petition, paid the surveying charges on 24.09.2024, and requested police protection. The Tahsildar and the



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revenue officials are now ready to conduct the survey, but they are facing resistance from respondents 3 to 5.

4. The learned Additional Public Prosecutor for the second respondent submitted that the revenue officials have verified the petitioner's request and found it to be genuine. The petitioner has also paid the survey charges. In view of this, the second respondent police will provide adequate protection to the officials for conducting the survey.

5. Accordingly, the petitioner is directed to approach the Tahsildar within two weeks from the date of receipt of a copy of this order. Thereafter, the Tahsildar, in consultation with the second respondent police, shall fix a date for the survey. If there is any resistance from the private respondents, namely respondents 3 to 5, the second respondent police shall take appropriate action.



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6. The Writ Petition is disposed of with the above direction. No

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costs.

12.11.2024

NCC : Yes / No

Index : Yes / No

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To

1.The Tahsildar,
Musiri Taluk,
Thiruchirappalli District.

2.The Inspector of Police,
Thathangayarpetti Police Station,
Tiruchirappalli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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