



WP CRL.(MD). No.1313 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26/03/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

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Sesadimai

... Petitioner

Vs

1. State of Tamilnadu Rep by
The Superintendent of Police,
Kanyakumari, Nagercoil.

2. The State of Tamilnadu,
Rep by the Deputy Superintendent of Police,
Marthandam,
Kanyakumari District.

3. State of Tamilnadu Rep by
Inspector of Police,
Nithiravilai Police Station,
Nithiravilai, Kanyakumari District.

4. State of Tamilnadu Rep by
The Sub Inspector of Police,
Nithiravilai Police Station,
Nithiravilai,
Kanyakumari District.

5. Rev.Fr.Malbin Soosai,
St.Thirumuzha Yovaan Church, Poothurai,
Kanyakumari District.



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6. Biju

7. Antony Pitchai

8. The Taluk Surveyor,
Vilavancode Taluk,
Kanyakumari District.

(R8 is suo motu impleaded
vide Court order dated 26.03.2026)

... Respondents

PRAYER :-

To Writ of Mandamus, directing the Respondents 1 to 4 to provide adequate Police protection to the petitioner and his association members for the peaceful possession and enjoying the property to an extent of 17.500 cents in Re-survey No.329/5C situated at Thoothoor Desom, Ezhudesam Village, Vilavancode Taluk, Kanyakumari District, without any obstruction from the respondents 5 to 7 herein within the time stipulated by this Court.

For Petitioner : Mr. M.R.Sreenivasan,
Advocate.

For Respondent : Mr.M.Sakthi Kumar - for R1 to R4
Government Advocate (Crl.Side)

ORDER

Since the concerned Taluk Surveyor, Vilavancode Taluk, Kanyakumari District, is a necessary party for the effective adjudication of this writ petition, The Taluk Surveyor, Vilavancode Taluk,



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Kanyakumari District is suo motu impleaded as 8th respondent in this case.

2. This writ petition has been filed seeking for a direction to the Respondents 1 to 4 to provide adequate Police protection to the petitioner and his association members for the peaceful possession and enjoyment of the property to an extent of 17.500 cents in Re-survey No.329/5C situated at Thoothoor Desom, Ezhudesam Village, Vilavancode Taluk, Kanyakumari District, without any obstruction from the respondents 5 to 7 herein within the time stipulated by this Court.

3. This writ petition is disposed of at the admission stage itself. It is open to any aggrieved party to move this Court either by way of review or recall of this order, if there is any suppression of material facts by the petitioners.

4. The Writ Petition is disposed of with the following directions:-

(I) The petitioner is directed to submit his application in on-line mode. The survey authority will scrutinize if the application submitted by the petitioner is in order.



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(II) The petitioner will have to enclose all the relevant documents such as patta.

(III) The survey authority will issue notice to the writ petitioners, as well as the adjacent land owners and also to the interested persons, if any, including the private respondents.

(IV) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(V) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objectors can move the concerned Court for injunction. If before the proposed date of survey, the objectors are unable to obtain any injunction order, the survey can very well go on.

(VI) It is open to the parties to serve memo of instructions to the surveyor at the time of conducting survey. The same will be borne in mind. While it cannot be binding on the surveyor, the same will be taken note of.



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(VII) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicants to move the jurisdictional civil Court for agitating their rights.

(VIII) The instant case filed particularly seeking police protection for the conduct of survey. In this regard, if required, the respondent police is directed to afford necessary police protection on payment of necessary charges in terms of GO.Ms.No.139, Home (Pol-VIII) Department, dated 04.03.2019.

(IX) The survey authority will conclude the entire exercise one way or the other within a period of six weeks after service of notice on the interested persons.

(X) A copy of the survey report along with sketch will be served on the parties.

26.03.2026

NCC : yes / no
Index : yes / no

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To

1. The Superintendent of Police, Kanyakumari, Nagercoil.
2. The Deputy Superintendent of Police,
Marthandam, Kanyakumari District.
3. The Inspector of Police, Nithiravilai Police Station,
Nithiravilai, Kanyakumari District.
4. The Sub Inspector of Police, Nithiravilai Police Station,
Nithiravilai, Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

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Date : 26/03/2026