

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

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The Honourable **Mr.Justice HULUVADI G.RAMESH,**

and

The Honourable **Dr. Justice S.VIMALA**

W.A.NO.248 OF 2017

The Diocedse of Chengalpet
rep. by Rev.Father Shylock Stephen,
Property Administrator,
Diocese of Chengalpet,
Thimmavaram,
Chengalput

.. Appellant

Versus

1. The Tahsildar,
Alandur Taluk,

2. The Chief Executive Officer,
Office of the Contonment Board,
St.Thomas Mount,
Chennai.

3. The Inspector of Police,
Alandur.

4. Archeological Survey of India,
Chennai Circle,
Fort St.George,
Chennai.

5. The Commandant,
Office Training Academy,
St.Thomas Mount, Chennai-18.

6. The District Collector,
Kancheepuram District,
Kancheepuram.

.. Respondents

Prayer: This Writ Appeal is filed under Clause 15 of the Letters Patent, against the order dated 14.11.2016 passed by the learned single Judge in W.P.No.32382 of 2016.

For Appellant : Ms.Selvi George

For Respondents : Mr.A.Srijayanthi, Spl.GP -R1,R3&R6
Mr.C.Mohan for M/s.King & Patridge
for R2
Mr.SU Srinivasan,
Addl.Solicitor General for R4&R5

JUDGMENT

(Judgment of the Court was made by
HULUVADI G. RAMESH, J.)

This Writ Appeal arises out of the order dated 14.11.2016 passed by the learned single Judge in W.P.No.32382 of 2016.

2. Heard the learned counsel for the appellant and the learned Addl.Solicitor General for the respondents 4 and 5 and

learned Special Government Pleader for the respondents 1, 3 and 6.

3. The appellant herein came forward with the writ petition, to direct the respondents 1 and 2 to measure, demarcate the lands situate at St.Thomas Mount in Old Survey No.1946, New Block No.39 to 46 at St.Thomas Mount, which is measuring total extent of 75 acres and 25 cents with the help of the police if necessary.

4. The learned Judge, having considered the facts and circumstances of the case, has passed the following:

"7. Since all of them request for measuring and earmarking the property and in fact the Government of India, Archaeological Survey of India has itself sent a letter dated 01.09.2015 to the District Collector, Kanchipuram District informing that it is necessary to demarcate the protected area of Survey No.1946 at St.Thomas Mount for which grant of "No Objection Certificate" to the construction by the public and therefore requested to depute the concerned

official for Joint Survey at St.Thomas Mount at an early date.

"8. In view of the above, Joint Survey is to be conducted at the behest of the District Collector, Kanchipuram District on the particular date fixed by him, wherein the Archaeological Survey of India and Cantonment Board shall participate and the jurisdictional Assistant Commissioner of Police, Pallavaram, shall give adequate police protection and the cost towards measuring and demarcating the land as well as providing police protection shall be borne by the petitioner. The above said exercise shall be completed within a period of six months from the date of receipt of copy of this order."

5. A perusal of the above, we find no infirmity in the order to interfere with the same. However, the apprehension of the learned counsel appearing for the appellant is that while conducting the survey, the adjacent land owners would be called for and in such event, they may raise objections and also that there were encroachers, who may also create problem. In order to conduct the survey in a peaceful manner, the learned Judge

has also directed the jurisdictional Assistant Commissioner of Police to provide adequate police protection. Therefore, we do not find any fault in the order of the learned Judge. In compliance with the order of the learned Judge, the District Collector, Kancheepuram is directed to fix a date during the first week of May, 2017 and intimate the same to all concerned well in advance so as to facilitate them to participate and finalize the survey.

With the above observation, this Writ Appeal is disposed of. No costs. Consequently, connected CMP No.3953 of 2017 is closed.

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(H.G.R., J.) (S.V., J.)
10.04.2017

To

1. The Tahsildar,
Alandur Taluk,

2. The Chief Executive Officer,
Office of the Contonment Board,
St.Thomas Mount,
Chennai.

3. The Inspector of Police,

Alandur.

HULUVADI G.RAMESH, A.C.J.

and

DR.JUSTICE S.VIMALA, J.

suk

4. Archeological Survey of India,
Chennai Circle,
Fort St.George,
Chennai.

5. The Commandant,
Office Training Academy,
St.Thomas Mount, Chennai-18.

6. The District Collector,
Kancheepuram District,
Kancheepuram.

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