

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 03.12.2018

CORAM:  
THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.5173 of 2016

P.T.Narayan Nair

... Petitioner

Vs

1.The Thasildar,  
Taluk Office,  
Shollinganallur,  
Chennai-119.

2.The Taluk Surveyor,  
Taluk Office,  
Shollinganallur,  
Chennai-119.

3.The Joint Director,  
Survey and Settlement Department,  
Survey House,  
Chepauk, Chennai-5.

4. C.Jayalakshmi

5. M.Shankar

6. Dr.Prema Thiraviaraj

7. A.B.Gunalan

8. Sabuganesan

9. D.Velu

10.Inthulan Thiraviyaraj

11.V.Kalaichelvi

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the entire processes of survey, determination of boundaries and consequent sub-division undertaken by the official respondents herein at the behest of the private respondents herein in respect of Survey No.236/41 of Jalladampet Village, Shollinganallur Taluk, Kancheepuram District at any point of time from the year 2010 till 24.7.2015 as null and void, illegal and not binding on the petitioner or on the properties concerned and also consequently, pass a direction as the official respondents to completely conduct a re-survey of the entire extent of Survey No.236/41 and file a report thereof before this Court within such time as may be determined by this Court.

For Petitioner : Mr.P.K.Rajagopal

For Respondents 1 to 3 : Mrs.P.Rajalakshmi, AGP

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Declaration, declaring that the entire processes of survey, determination of boundaries and consequent sub-division undertaken by the official respondents herein at the behest of the private respondents herein in respect of Survey No.236/41 of Jalladampet Village, Shollinganallur Taluk, Kancheepuram District at any point of time from the year 2010 till 24.7.2015 as null and void, illegal and not binding on the petitioner or on the properties concerned and also for consequential direction, directing the official respondents to completely conduct a re-survey of the entire extent of Survey No.236/41 and file the report thereof before this Court within a time stipulated by this Court.

2. When the matter was called today, the learned Counsel appearing for the petitioner would submit that the petitioner is not pressing the first part of the prayer, namely, declaring that the entire processes of survey, determination of boundaries and consequent sub-division undertaken by the official respondents herein at the behest of the private respondents herein in respect of Survey No.236/41 of Jalladampet Village, Shollinganallur Taluk, Kancheepuram District at any point of time from the year 2010 till 24.7.2015 as null and void, illegal and not binding on the petitioner or on the properties concerned. He would further submit that however, a direction may be issued to the official respondents to completely conduct a re-survey of the entire extent of Survey No.236/41 by giving notice to all the concerned and by ordering the same, no prejudice would be caused to any parties.

3. Learned Additional Government Pleader appearing for the official respondents is also fairly agreeing to the said resurvey, sought for twelve weeks time.

4. In view of the above, this Court hereby directs the first respondent, namely, The Thasildar, Taluk Office, Shollinganallur, Chennai-119, to resurvey the land in Survey No.236/41 of Jalladampet Village, Shollinganallur Taluk, Kancheepuram District along with a Land Surveyor. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this Order.

5. At this stage, the learned Counsel for the petitioner would submit that while resurveying the land in question, a map

showing the water body in the survey number has to be taken into account and the petitioner may be permitted to produce the same before the 1<sup>st</sup> respondent.

6. Therefore, while resurveying the land-in-question, as stated above, a map showing the water bodies, if any, produced by the petitioner herein also has to be taken into account.

7. With the above observation and direction, the Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Thasildar,  
Taluk Office,  
Shollinganallur,  
Chennai-119.

2.The Taluk Surveyor,  
Taluk Office,  
Shollinganallur,  
Chennai-119.

3.The Joint Director,  
Survey and Settlement Department,  
Survey House,  
Chepauk, Chennai-5.

+1cc to Mr.P.K.Rajagopal, Advocate, S.R.No.82548  
+1cc to the Government Pleader, S.R.No. 84036

W.P.No.5173 of 2016

SPD(CO)

rrs 20/12/2018