

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.08.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.9981 of 2020

M.Baskar,
S/o.Late V.Muthu,
No.103, Kanthasamy Nagar,
Second Extension,
Poonamallee - 600 056,
Thiruvallur District.

...Petitioner

Vs.

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
- 3.The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur.
- 4.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai 600 056.
- 5.The Assistant Commissioner of Police,
Poonamallee.
- 6.The Inspector of Police,
T-12, Poonamallee Police Station,
Poonamallee,
Chennai 600 056.
- 7.Rasayan @ Easu,
S/o.Late Lazer,
No.4/31, Angala Parameswari Nagar,
Pariwakkam, Poonamallee Post,
Chennai 600 056.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 4 to conduct enquiry and survey the lands of the petitioner's family being agricultural Punjai land (1) measuring an extent of 0.44.04 Hectare (1 Acre 8 cents) bearing Patta No.191, comprised in Survey No.44/2A1A1A1A of Parivakkam Village, Ponamallee Taluk, Thiruvallur District and (2) agricultural Nanjai lands measuring an extent of 0.63.00 Hectare (1 Acre 66 Cents), bearing Patta No.117, comprised in Survey Nos.254/2A1A, 254/2C, 43/1A1, 46/10, 46/12, 47/2A1A, 45/1A1A1A1 and 46/2A1A1A1A of Parivakkam Village, Poonamallee Taluk, Thiruvallur District with the assistance of the Surveyor under Police protection and demark the said lands and also lay the boundary stone for identifying the lands of the petitioner and his family, for which the petitioner submitted representation dated 08.07.2020 and lawyer's notice dated 07.07.2020 to the respondents 1 to 4.

For Petitioner : M.Kalyanasundaram

For R1 to R6 : Mr.S.N.Parthasarathy
Government Advocate

ORDER

This writ petition has been filed for an issue of a writ of mandamus directing the fourth respondents to conduct a survey and to lay the boundary stones in the subject property pursuant to the representation made by the petitioner on 08.07.2020.

2. The case of the petitioner is that the petitioner becomes the owner of the property along with his brother and sisters through inheritance. The further case of the petitioner is that the lands are being cultivated and the taxes have been paid regularly. That apart the revenue records also stands in the name of the father of the petitioner.

3. The petitioner found that the seventh respondent was encroaching upon his property and was attempting to put up a construction. The petitioner therefore made a representation to the fourth respondent on 08.07.2020 and also paid the necessary charges for conducting a survey and to lay the boundary stones. The grievance of the petitioner is that his representation was not considered and therefore left with no other alternative the present writ has been filed before this Court seeking for appropriate directions.

4. Heard Mr.M.Kalyanasundaram, learned counsel appearing for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate, appearing on behalf of the respondents 1 to 6.

5. Taking into consideration the facts and circumstances of the case and limited relief that has been sought for in this writ petition, there shall be a direction to the fourth respondent to consider the representation made by the petitioner on 08.07.2020 and deal with the same strictly in accordance with law and take a decision with regard to the survey of the property and laying the boundary stones. The respondent shall issue notice to the seventh respondent before proceeding further with the survey by giving him an opportunity. The process shall be completed within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the fourth respondent along with a copy of the representation dated 08.07.2020 and a copy of this order.

6. This writ petition is disposed of with the above direction. No cost.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
- 3.The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur.
- 4.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai 600 056.

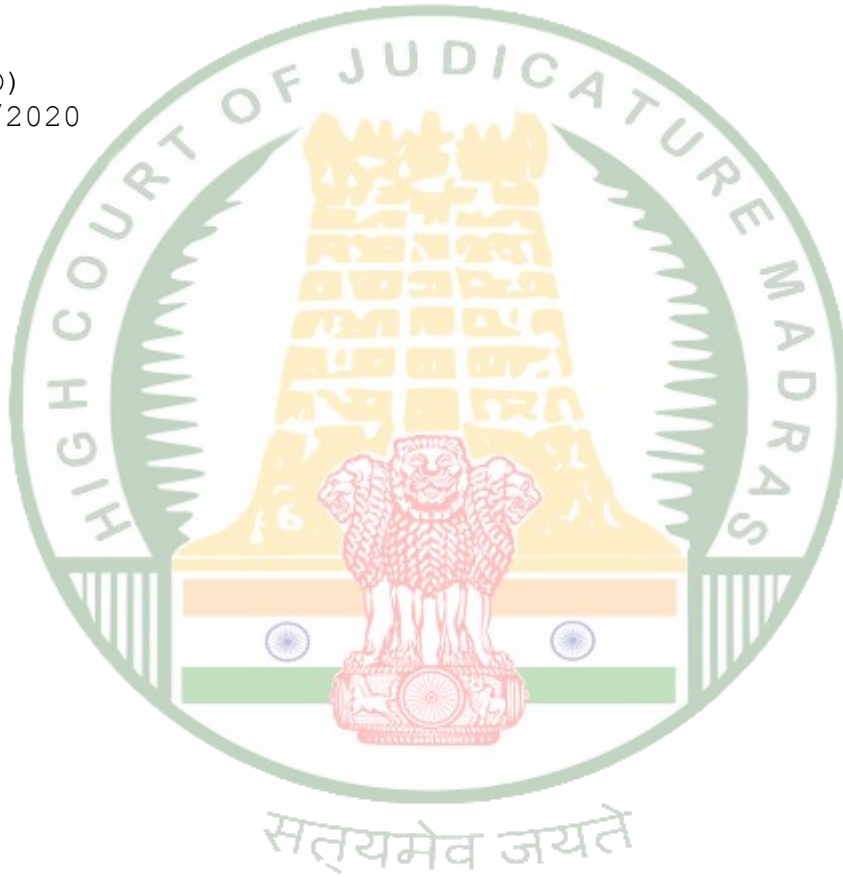
5.The Assistant Commissioner of Police,
Poonamallee.

6.The Inspector of Police,
T-12, Poonamallee Police Station,
Poonamallee,
Chennai 600 056.

+1cc to M/s.R.Vasudevan, Advocate, S.R.No.26452

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VSN II (CO)
KKV/20/08/2020



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