

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 7760 of 2021

R.Suriya

.. Petitioner

Vs

1.The Tahsildar,  
Taluk Office,  
Poonamallee, Chennai - 600 056.

2.The Surveyor,  
Taluk Office,  
Poonamallee, Chennai - 600 056.

3.The Village Administrative Officer,  
Village Administration Office,  
Kannapalayam Village,  
Poonamallee, Chennai - 600 071.

4.The Inspector of Police,  
T-6, Police Station,  
Avadi, Chennai - 600 054.

5.M.Y.Aravind Balaji

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 and 3 to consider the petitioner's representation dated 06.03.2021 and to survey the petitioner's property and fix the boundaries and consequently direct the fourth respondent to provide police protection to survey the petitioner's property measuring an extent of 1.17 Ares comprised in Survey No.290/3 situated at Kannapalayam Village, Poonamallee Taluk, Chennai District.`

For Petitioner : Mr. K.Gowthaman  
For Respondents 1-4 : Mr. S.N.Parthasarathy

O R D E R

This writ petition is filed for issuing a writ of mandamus directing the respondents 1 to 3 to consider the representation of the petitioner and to survey the property of the petitioner

and fix boundaries and consequently direct the fourth respondent to provide police protection to survey the petitioner's property measuring an extent of 1.17 Ares comprised in Survey No.290/3 in Kannapalayam Village, Poonamallee Taluk, Chennai District.

2. The petitioner states that he is the owner of an extent of 1.17 Ares comprised in Survey No.290/3 in Kannapalayam Village, Poonamallee Taluk, Chennai District. and patta No.5112 was also issued to him. It is the case of petitioner that the said property was transferred in favour of petitioner by his father by way of a registered settlement deed dated 08.03.2020. It is the case of the petitioner that the fifth respondent and some local people are using the property of petitioner for consumption of alcohol and for unlawful activities. Therefore, it is stated that the petitioner wants to put up a compound wall surrounding his property. It is for this purpose, the petitioner submitted a representation to the first respondent asking the first respondent to measure and survey the property and to fix the boundary of the property of the petitioner for the purpose of putting up a compound wall. Since the representation was not considered, the petitioner filed the present writ petition.

3. The property that was conveyed in favour of the petitioner by his father is described in the document namely the settlement deed with reference to four boundaries. The property conveyed is an extent of 1285 Sq.ft in S.No.290/1A1A. The petitioner was given patta for an extent of 0.4.75 Hectares. Whereas the property that was conveyed in favour of the petitioner is only an extent of 1258 Sq.ft. Therefore, the petitioner now seeks survey of land that was conveyed to the petitioner by his father which is not the whole property for which the petitioner's father had patta. The petitioner was given patta in respect of an extent of 0.1.17 Hectares in Survey No.290/3. It is not known how the petitioner's father could claim title or convey the property in Survey No.290/3 to the petitioner. With all discrepancies, the petitioner's request was not considered by the Tahsildar. The petitioner seeks an order of protection from third parties on the apprehension that the third parties including the fifth respondent may interfere with his possession. No relief of injunction can be granted by the Revenue Official indirectly by getting an order from this Court to give police protection for survey, measurement and demarcation of the property. If the Revenue Officials are able to consider the request of the petitioner on the basis of prior records, it may be possible. However, with the discrepancies pointed out above, this Court is of the view that the respondents may not be able to fix the boundary of the petitioner's property in the absence of any prior revenue records. Therefore, no relief can be granted in favour of the petitioner in this present writ petition. However, liberty is

granted to the petitioner to approach the Civil Court for appropriate relief.

4. Despite this Court pointing out the discrepancy as regards the patta standing in the name of the petitioner and the patta that was issued to the petitioner's father, there was attempt to clarify the position by the petitioner's counsel. When the petitioner has no right in respect of Survey No.290/3, it is not known how the petitioner could claim right in respect of Survey No.290/3. With all the discrepancies, the petitioner's counsel submitted that it is the duty of the respondents to survey and measure the property once the petitioner pays the required fee. It is unfortunate to notice that the petitioner has not understood the scope of enquiry either under the Survey and Boundaries Act or under the Revenue Standing Orders. Unless the petitioner is able to produce before the authorities the revenue documents or sub division proceedings which are settled, it is not possible for the Revenue Officials to fix boundaries. In the present case, the petitioner's title is doubtful as he claims right over property on the basis of document of conveyance obtained from his father who had no right to deal with the property for which the petitioner has now been granted patta.

5. This writ petition has no merits and is accordingly, dismissed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

- 1.The Tahsildar,  
Taluk Office,  
Poonamallee, Chennai - 600 056.
- 2.The Surveyor,  
Taluk Office,  
Poonamallee, Chennai - 600 056.
- 3.The Village Administrative Officer,  
Village Administration Office,  
Kannapalayam Village,

Poonamallee, Chennai - 600 071.

4.The Inspector of Police,  
T-6, Police Station,  
Avadi, Chennai - 600 054.

+2cc to Mr.K. Gowthaman, Advocate, S.R.No.19881  
+1cc to the Government Pleader, S.R.No.19718

W.P. No. 7760 of 2021

UM(CO)  
SB(13/07/2021)



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