

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.02.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.4684 of 2014 &
M.P.No.1 of 2014

V.Selvam

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Petitioner

Vs

1.The Tahsildar,
Thiruvallur Taluk.

2.The Inspector of Police,
T-11 Police Station,
Thirunindravur.

3.The Survey Officer,
(attached to the Head quarters Tahsildar),
Thiruvallur Taluk.

4.R.Kanchana Devi

....

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the third respondent to survey and to mark the boundaries of the property situated in Survey No.117/4 in Pakkam Village, Thiruvallur Taluk and measuring a total extent of 21 cents under the supervision of the 1st respondent.

For petitioner

... Mr.K.Shahul Hameed

For respondents

... Mr.K.Parameshwaran
Government Advocate

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the third respondent to survey and mark the boundaries of the property situated in Survey No.117/4 in Pakkam Village, Thiruvallur Taluk admeasuring a total extent of 21 cents under the supervision of the 1st respondent.

2. The petitioner claims that he is the owner of the aforementioned property. According to him, the fourth respondent who is his neighbour has raised boundary disputes with him. In

such circumstances, several representations were given by the petitioner requesting the first and third respondents to survey and mark the boundaries of his property. According to the petitioner, the last such representation was given on 18.12.2006 by the petitioner's father who was alive then, but died subsequently. According to the petitioner, necessary fees were also paid by the petitioner's father and despite the same, the respondents 1 and 3 have not surveyed and marked the boundaries of the petitioner's property. In such circumstances, this writ petition has been filed.

3 . Heard Mr.K.Shahul Hameed, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondents.

4. It is the case of the petitioner that he is the owner of the aforementioned property. It is his case that the fourth respondent has raised boundary disputes with him. The petitioner's father has submitted an application with the first and third respondents requesting them to survey and mark the boundaries of his property. The application was submitted on 18.12.2006.

5. No prejudice will be caused to the respondents, if the petitioner's property is surveyed and the boundaries are marked after giving notice to the fourth respondent and if necessary after giving notice to any other rival claimants. However, the petitioner will have to bear the necessary charges for the same.

6. Learned counsel for the petitioner on instructions would also submit that the petitioner is willing to bear the necessary charges. Since the representation given earlier is too old, the petitioner will have to give a fresh representation.

7. For the foregoing reasons, this Court directs the petitioner to give a fresh representation to the first and third respondents on payment of necessary charges requesting them to survey and mark the boundaries of his land at Survey No.117/4 in Pakkam Village, Thiruvallur Taluk admeasuring a total extent of 21 cents within a period of one week from the date of receipt of a copy of this order. On receipt of the same and on receipt of necessary charges, the first and third respondents shall survey and mark the boundaries of the petitioner's property after giving notices to the fourth respondent as well as other rival claimants if any within a period of eight weeks thereafter.

8. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar,
Thiruvallur Taluk.

2.The Inspector of Police,
T-11 Police Station,
Thirunindravur.

3.The Survey Officer,
(attached to the Head quarters Tahsildar),
Thiruvallur Taluk.

W.P. No.4684 of 2014

A.SK(24.02.2021)



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