



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.NO.24086 OF 2021

Dr.S.Peter

...Petitioner

Vs

1. The District Collector,
Sriperumbudur Taluk,
Kancheepuram District.
2. The Revenue Divisional Officer,
Kunrathur Taluk,
Sriperumbudur,
Kancheepuram District.
3. The Thasildar,
Kunrathur Taluk,
Kancheepuram District.
4. The Thasildar,
Sriperumbudur Taluk,
Sriperumbudur.
5. The Thasildhar,
Pallavaram Taluk,
Pallavaram.
6. The Village Administrative Officer,
Gerugambakkam Village,
Gerugambakkam.

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to conduct survey Nos.269, 270/1, 270/2, 270/3A, 270/3B and 274/1 situated at Gerugambakkam Village, Sriperumbudur Taluk, Kancheepuram District.

For Petitioner : Mr.C.Vigneswaran

For Respondents : Mr.A.M.Ayyadurai,
Government Advocate



ORDER

This writ petition is filed for direction directing the respondents to conduct survey in S.Nos.269, 270/1, 270/2, 270/3A, 270/3B and 274/1 situated at Gerugambakkam Village, Sriperumbudur Taluk, Kancheepuram District.

2. Heard, Mr.C.Vigneswaran, the learned counsel for the petitioner, and Mr.A.M.Ayyadurai, Government Advocate appearing for the respondents.

3. The lands comprising in survey Nos.269, 270/1, 270/2, 270/3A, 270/3B and 274/1 situated at Gerugambakkam Village, Sriperumbudur Taluk, Kancheepuram District measuring an extent of 3 acres and 63 cents belonged to the petitioner's sister Dhanamary who had purchased the subject property from one, A.G.Sankar Narayan and others by way of registered sale deed dated 19.12.2005 vide document No.4777 of 2005. Ever since the purchase, she had been in continuous and peaceful enjoyment of the said property. In the year 2012, she executed a settlement deed dated 21.05.2012 in favour of the petitioner in respect of the above said property registered vide document No.3122 of 2012 before the Sub Registrar, Pammal and patta was also granted in his favour.

3.1 Thereafter, the subject land had been approved and planning permission from the Corporation of Chennai was also granted vide Ref.No.PPD/LONO 73/2006 dated 10.07.2006. Accordingly, in the year 2015, the petitioner intended to convert the said property into house plots. Therefore, the petitioner approached the revenue officials to survey the said land to identify the extent and mark the boundaries of the said property. The petitioner made representation on 07.10.2015 to the third respondent to survey the same. However, there are third party encroachments and created problems and prevented the authorities from surveying the land. Therefore, the petitioner filed writ petition before this Court in WP.No.26865 of 2017 and this Court by order dated 13.10.2017 directed the revenue officials to consider the representation of the petitioner. Thereafter, the said order was not complied with and as such the petitioner filed contempt petition in Cont.P.No.516 of 2019 and in the contempt petition, the respondent therein stated that there are trees in the subject land and as such they could not able to survey and this Court closed the contempt petition directing the petitioner to remove all the standing trees. Thereafter, the petitioner was directed to approach the respondent for measuring the property. Accordingly, the petitioner had removed all the trees and requested the revenue officials to survey the land. On receipt of the same, the third



respondent sought for police protection from the Deputy Commissioner of Police, Ambattur seeking police protection. Thereafter, no survey has been conducted and it is kept in abeyance.

WEB COPY

4. Considering the above, third respondent is directed to issue notice to the petitioner, adjacent land owners and counter parties, if any, and, after giving them opportunity of hearing, survey the lands comprising in survey Nos.269, 270/1, 270/2, 270/3A, 270/3B and 274/1 situated at Gerugambakkam Village, Sriperumbudur Taluk, Kancheepuram District on payment of requisite fees.

5. Already the third respondent requested the Deputy Commissioner of Police, Ambattur to grant police protection. Hence, the Inspector of Police, Mangadu Police Station is directed to give adequate police protection to the third respondent to survey the above lands. It is made clear that the entire survey process shall be completed within a period of four weeks from the date of receipt of copy of this order.

6. With the above directions, this writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

lok

To

1. The District Collector,
Sriperumbudur Taluk,
Kancheepuram District.
2. The Revenue Divisional Officer,
Kunrathur Taluk,
Sriperumbudur,
Kancheepuram District.
3. The Thasildar,
Kunrathur Taluk,
Kancheepuram District.



4. The Thasildar,
Sriperumbudur Taluk,
Sriperumbudur.

5. The Thasildhar,
Pallavaram Taluk,
Pallavaram.

6. The Village Administrative Officer,
Gerugambakkam Village,
Gerugambakkam.

Copy To

The Inspector of Police,
Mangadu Police Station,
Chennai.

+1cc to the Government Pleader, S.R.No.66634

WP.No.24086 of 2021

KV(CO)
RLP(05/01/2022)