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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.783 of 2022

A.Babu Vinifread

...Petitioner

Vs

1. The Tahsildar,  
Office of the Tahsildar,  
Mylapore Taluk, Chennai - 4.
2. The Deputy Inspector of Survey,  
Office of the Tahsildar,  
Mylapore Taluk, Chennai - 4
3. Arulmigu Ellaiamman and Payandiamman Thirukoil,  
Represented by its Executive Officer,  
Having office at Temple Premises,  
Nochikuppam, Chennai - 4.
4. The Inspector of Police,  
D-5, Marina Police Station,  
Marina, Chennai - 4.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to survey the petitioner's properties comprised in Old Survey No.2942 and part of 2943, Revised Survey No.2350, Mylapore Village, earlier Mylapore-Triplicane Taluk, presently Mylapore Taluk, Chennai District measuring to an extent of 5225 sq.ft with police protection and to demarcate the boundaries by fixed survey boundary stones and also to furnish a copy of the survey report to the petitioner.

For Petitioner : Mr.S.Joel

For Respondent : Mr.A.M.Ayyadurai  
Government Advocate (for R1, R2 & R4)

: Mr.R.Mahalingam (for R3)



## ORDER

This writ petition is filed to issue a Writ of Mandamus to direct the respondents 1 and 2 to survey the petitioner's properties comprised in Old Survey No.2942 and part of 2943, Revised Survey No.2350, Mylapore Village, earlier Mylapore-Triplicane Taluk, presently Mylapore Taluk, Chennai District, measuring to an extent of 5225 sq.ft with police protection and to demarcate the boundaries by fixed survey boundary stones and also to furnish a copy of the survey report to the petitioner.

2. Considering the limited relief sought for in the petition, without expressing any opinion on merits of the writ petition, the first respondent is directed to consider the representation of the petitioner dated 13.01.2022, after issuance of notice to the petitioner, adjacent land owners, third respondent and counter parties, if any and after giving opportunity of hearing to them, pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, on payment of requisite fees. The first respondent is also directed to serve the copy of the survey report after surveying the subject properties. Therefore, it is made clear that, if any order is passed to survey the subject lands, the concerned surveyor finds any hindrance while surveying the said lands, he can very well seek necessary police protection to survey the petitioner's lands.

3. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,  
Office of the Tahsildar,  
Mylapore Taluk, Chennai - 4.
2. The Deputy Inspector of Survey,  
Office of the Tahsildar,  
Mylapore Taluk, Chennai - 4.



3. The Executive Officer,  
Arulmigu Ellaiamman and Payandiamman Thirukoil,  
Having office at Temple Premises,  
Nochikuppam, Chennai - 4.

4. The Inspector of Police,  
D-5, Marina Police Station,  
Marina, Chennai - 4.

+1cc to Mr.R.Mahalingam, Advocate SR. No.4093  
+4ccs to M/s.S.Joel, Advocate SR. No.4205  
+1cc to Government Pleader SR. No.4279

W.P.No.783 of 2022

RSI (CO)  
PR (07/02/2022)