



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.NO.264 OF 2022

R.Thukkaram ... Appellant/5th Respondent

.Vs.

1. M.Venkatesh Kumar ... 1st Respondent/Petitioner

2. The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Thiruvallur District.

3. The Taluk Surveyor,
Poonamallee Taluk,
Poonamallee,
Thiruvallur District.

4. The Village Administrative Officer,
Thiruverkadu and Veeraraghavapuram Village,
Thiruvallur District.

5. The Inspector of Police,
Thiruverkadu Police Station,
Thiruverkadu,
Chennai District.

... 2 to 5 Respondents/
1 to 4 Respondents

PRAYER:-

Writ Appeal filed under Clause 15 of the Letters Patent,
against the order dated 16.11.2021 made in W.P.No.24354 of 2021.

PRAYER IN W.P.NO.24354 OF 2021:-

Writ Petition is filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the 1st Respondent to survey and demarcate the



boundaries of the petitioners property situated at Veeraraghavapuram village, Sriperumbudur Taluk, Now Poonamalle Taluk, comprised in new Survey Number 9/2B3, measuring an extent of 14 cents and New Survey Numbers 90/2B2A and 90/2B2B measuring an extent of 10 cents total admeasuring 24 cents based on the petitioner's application dated 03/08/2021 within a stipulated time.

For the Appellant : Mr.J.Srinivasa Mohan

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

By this writ appeal, a challenge is made to the order dated 16.11.2021, whereby the writ petition preferred by the petitioner/non-appellant was disposed of with a direction to the second respondent to consider the application of the petitioner/non-appellant for survey and demarcation of his property after causing a notice to the adjacent land owners and counter-parties.

2. The appeal has been preferred by the adjacent land owner alleging that the facts pertaining to the litigation inter se the parties have been suppressed while filing the writ petition and it has been decided at the admission stage. The effort of the petitioner/non-appellant is to enter into the land belonging to the appellant. Thus, interference in the judgment of the learned Single Judge is called for.

3. We have considered the submission of the appellant and perused the records.

4. The direction given by the learned Single Judge in reference to the prayer made in the writ petition does not call for interference. Whenever an application is made for survey and demarcation of land, the revenue officials are under an obligation to do it. However, no effort was taken and the petitioner/non-appellant, left with no option, approached this court. The learned Single Judge has rightly issued the direction to cause survey and demarcation of the boundaries and was even cautious to direct the respondent authorities to put on notice the adjacent land owners and counter-parties before the survey and demarcation. How survey and demarcation is going to give an access to the petitioner/non-appellant to the land belonging to the appellant could not be explained, rather if the appellant is in possession of his own land, then there should not be fear in his mind regarding survey and demarcation, even if a litigation inter se the parties is pending. Rather, survey and demarcation



of the property in a rightful manner, can resolve the issue inter se the parties qua the boundaries of the properties.

For the foregoing reasons, the writ appeal is dismissed.
No costs. Consequently, C.M.P.No.1906 of 2022 is closed.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Thiruvallur District.
2. The Taluk Surveyor,
Poonamallee Taluk,
Poonamallee,
Thiruvallur District.
3. The Village Administrative Officer,
Thiruverkadu and Veeraraghavapuram Village,
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4. The Inspector of Police,
Thiruverkadu Police Station,
Thiruverkadu,
Chennai District.

+1cc to Mr.J.Srinivasa Mohan, Advocate, S.R.No.10043

W.A.NO.264 OF 2022

PMK(CO)
PBS/01/03/2022