



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P. NO.4767 OF 2022 AND W.M.P. NOS.4874 AND 4875 OF 2022

A.Usharani

... Petitioner

vs

1. The Principal Secretary,
Department of Revenue and
Disaster Management,
Fort St George,
Chennai - 600 009.

2. The District Collector,
Chengalpet District,
Chengalpet.

3. The Tahsildar,
Chengalpet Taluk,
Chengalpet.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records pertaining to impugned order passed by the first respondent in G.O. (Tr) No.63 dated 03.02.2022, confirming the order passed by the second respondent in Na.Ka.No.36688/2019 dated 30.08.2021 confirming the order passed by the third respondent in Na.Ka.No.2197/2019/A dated 07.09.2020 and quash the same and direct the respondents to re-survey the Survey Nos.93/1A of Vempakkam and 94/3 of Vedhanarayanapuram Village.

For Petitioner : Mr.C.D.Johnson

For Respondents : Mr.A.Selvendran,
Special Government Pleader



ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner has come to this Court for issuance of a writ of Certiorarified Mandamus, challenging the impugned order passed by the Principal Secretary, Department of Revenue and Disaster Management, the first respondent herein in G.O. (Tr) No.63 dated 03.02.2022, confirming the order passed by the District Collector, Chengalpet District, Chengalpet, the second respondent herein in Na.Ka.No.36688/2019 dated 30.08.2021 and confirming the order passed by the Tahsildar, Chengalpet Taluk, Chengalpet, the third respondent herein in Na.Ka.No.2197/2019/A dated 07.09.2020 and seeking a direction to the respondents to re-survey the Survey Nos.93/1A of Vempakkam and 94/3 of Vedhanarayanapuram Village.

2.Learned counsel for the petitioner submitted that the petitioner had purchased a house site, situated at No.1, Pillaiyar Koil Street, Ragavendra Nagar Extension, Vedanarayanapuram Village, Venpakkam Post, Chengalpet Taluk and District, comprised in Grama Natham and covered in Survey No.94/3. After making a construction, the petitioner has been residing in the same and also paying property tax, water and sewerage tax and electricity charges. While so, the Revenue Inspector, Chengalpet, Firka, Chengalpet Taluk had issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 to the petitioner stating that her house property situated in the above Survey No.93/1A is a Government land. In this regard, she made a representation dated 24.08.2020. But without considering her representation, the Tahsildar, Chengalpet Taluk, issued eviction notice under Section 6 of the above Act directing her to vacate the above property within 7 days. Therefore, the petitioner had approached this Court by filing a Writ Petition No.13271 of 2020 and this Court, by order dated 23.09.2020, permitted the petitioner to file an Appeal before the District Collector, Chengalpet, the second respondent herein. Pursuant to the same, the petitioner filed an Appeal before the second respondent and aggrieved by the same, she also preferred a Revision Petition before the Principal Secretary, Department of Revenue and Disaster Management, the first respondent herein with a request to re-survey the disputed land. Pursuant to the dismissal of the same, she is before this Court with the above prayer.

3.When the matter was taken up for hearing on 03.03.2022, this Court directed the Tahsildar, Chengalpet Taluk, Chengalpet, the third respondent herein to undertake a survey in the place in question along with a Surveyor on the basis of the revenue records and to submit his report, considering the submission made by the learned counsel for the petitioner that the survey



should be undertaken not only the land covered in S.No.94/3, but also in S.No.93/1A and also the lands lying on the right side of the petitioner's house.

4.Today, Mr.A.Selvendran, learned Special Government Pleader has invited Mr.A.Vasudeven, Tahsildar, Chengalpet, Mr.P.Nagarajan, Inspector of Survey, Ms.A.Baby, Deputy Inspector of Survey, Mr.N.Venkatesan, Revenue Inspector, Mr.J.Vellapalam, Village Administrative Officer, Mr.M.Ethiraj, Ms.J.Jothi, Mr.D.Gouthaman, Village Assistants to assist him and this Court on the issue whether the request of the petitioner to go for fresh/re-survey can be considered, since the petitioner and her family members were not satisfied with the measurement and the Survey made by the Survey Department.

5.The above officers, who are present before this Court, by producing a map, explained that they have measured not only the land covered in S.No. 93/1A and also the S.Nos.37, 36 and 35-A, so as to avoid further dispute. Therefore, when the Surveyor and the Tahsildar have taken more care in surveying the aforementioned land covered in S.Nos.93/1A, 35/A, 36 & 37 and rightly come to the conclusion that the petitioner's house falls in S.No.93/1A, we are not inclined to support the arguments advanced by the petitioner to go for fresh or re-survey.

6.At this stage, Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents submitted that considering the status of the petitioner's family, the District Collector, the second respondent herein has come forward to provide 3 cents of land, covered in S.Nos.78/104 and 78/105, situated at Chenneri Village.

7.Learned counsel for the petitioner sought for 90 days' time to vacate the premises.

8.Considering the submission made by the learned Special Government Pleader that the inauguration of the combined Collectorate building will be held within 50 days' time, this Court grants 60 days' time to the petitioner to vacate the present place, from today.

9.Learned Special Government Pleader submitted that the petitioner will be granted the above 3 cents of land within a week's time.

10.It is made clear that if the petitioner fails to adhere to the undertaking/promise given by him, the respondents are at liberty to take necessary steps with regard to the land.



11. Accordingly, this writ petition stands dismissed. No costs. Consequently, W.M.P. Nos.4874 and 4875 of 2022 stand closed.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Principal Secretary,
Department of Revenue and
Disaster Management,
Saint George Fort,
Chennai - 600 009.
2. The District Collector,
Chengalpet District,
Chengalpet.
3. The Tahsildar,
Chengalpet Taluk,
Chengalpet.

+1cc to Mr.C.D.Johnson, Advocate, S.R.No.15640
+1cc to the Government Pleader, S.R.No.16289

W.P. No.4767 of 2022 and W.M.P. Nos.4874 and 4875 of 2022

MG (CO)
PM/22/03/2022