



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4815 of 2022
and
W.M.P.No.4921 of 2022

S.Shanthi

...Petitioner

Vs.

1. The District Collector,
Tiruvallur District.
2. The Tahsildar,
Poonamalle Taluk,
Tiruvallur District.
3. The President,
Kattupakkam Village Panchayat,
Poonamallee Taluk,
Tiruvallur District.

...Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue writ or an order or direction or more particularly a writ in the nature of Writ of Mandamus directing the 1st and 2nd respondents to conduct proper measurement and survey of Survey Nos.215 & 217 of Kattupakkam Village, including the starting point of Survey No.215 in the middle of the Kattupakkam-Poonamallee Main Road and the compound wall put up by the 3rd respondent demarcating Survey Nos.215 & 217 of Kattupakkam Village, so as to ascertain the survey location of the petitioner's property at Plot No.2/15, Kannigapuram, situated in Survey No.217, Kattupakkam Village, Poonamallee Taluk, Tiruvallur District and direct the respondents not to initiate any coercive action in respect of the petitioner's property.

For Petitioner : Mr.S.Anil Sandeep

For R1 and R2 : Mr.T.Chezhiyan,
Additinal Government Pleader

For R3 : Mr.G.Nanmaran
Special Government Pleader



O R D E R

Writ Petition has been filed to direct the 1st and 2nd respondents to conduct proper measurement and survey of Survey Nos.215 & 217 of Kattupakkam Village, including the starting point of Survey No.215 in the middle of the Kattupakkam - Poonamallee Main Road and the compound wall put up by the 3rd respondent demarcating Survey Nos.215 & 217 of Kattupakkam Village, so as to ascertain the survey location of the petitioner's property at Plot No.2/15, Kannigapuram, situated in Survey No.217, Kattupakkam Village, Poonamallee Taluk, Tiruvallur District and direct the respondents not to initiate any coercive action in respect of the petitioner's property.

2.Mr.T.Chezhiyan, learned Additinal Government Pleader takes notice for the respondents 1 & 2.

3.Mr.G.Nanmaran, learned Special Government Pleader takes notice for the 3rd respondent.

4.The case of the petitioner is that the petitioner is the owner of the property to extent of 1152 Sq.Ft., at Plot No.2/15, Kannigapuram at Survey No.217, Kattupakkam village, Poonamallee Taluk, Tiruvallur District. However, adjacent to the petitioner's property, there is a burial ground in Survey.No.215 of Kattupakkam Village and the 3rd respondent had put up a compound wall around the burial ground in Survey.No.215, clearly demarcating Survey No.215 and securing the area earmarked for the burial ground. While being so, officers of the 2nd respondent had visited the petitioner's property on 15.02.2022 and had informed that there is a chance that a part of the petitioner's property also lies in Survey No.215 and started measuring Survey No.215 and had given a warning that a part of the petitioner's property may have to be removed, as it may fall in Survey No.215. Therefore, the petitioner made a representation on 17.02.2022 to the respondents 1 and 2 to conduct proper measurement and survey of Survey Nos.215 and 217 and not to initiate any coercive action in respect of the petitioner's property. However, till date, the same has not been considered and no action has been taken by the respondents. Hence, the present petition has been filed seeking the aforesaid relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents 1 and 2 to consider the petitioner's representation dated 17.02.2022 to conduct proper measurement and survey of Survey Nos.215 and 217 and not to initiate any coercive action in respect of the petitioner's property and dispose of the same in accordance with law within a particular time frame fixed by this Court.



6.The learned Additional Government Pleader and Special Government Pleader appearing for the respondents have no objection to the said order being passed.

7.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents 1 and 2 to consider the petitioner's representations dated 17.02.2022, and pass appropriate orders on the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rgi/nhs

To

1. The District Collector,
Tiruvallur District.
2. The Tahsildar,
Poonamalle Taluk,
Tiruvallur District.
3. The President,
Kattupakkam Village Panchayat,
Poonamallee Taluk,
Tiruvallur District.

+2cc to Mr.S.Anil Sandeep, Advocate, S.R.No.14752

+1cc to the Government Pleader, S.R.No.15559

W.P.No.4815 of 2022
and
W.M.P.No.4921 of 2022

MT (CO)
RGA(28/03/2022)