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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.6404 of 2022

S.Kannan

... Petitioner

Vs.

1. The District Collector,
Kancheepuram,
Kancheepuram Dist.
2. The District Revenue Officer,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.
3. The Revenue Divisional Officer,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.
4. The Tahsildar,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.
5. The Superintendent of Police,
Thaiyar Kullam, Kancheepuram,
Tamil Nadu - 603 001.
6. The Inspector of Police,
D3 Police Station, Palur,
Kancheepuram.
7. S.Rajkumar
8. Pachaippan Naicker

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ in the nature of Writ of Mandamus, directing the 5th & 6th respondents to take suitable legal action against the 7th and 8th respondents in accordance with law on merits by considering the petitioner's representation on 16.11.2020 and further representation dated 02.02.2022.



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For Petitioner : Mr.L.P.Shanmugasundaram

For R1 to R4 : Mr.Mohamed Sathik
Government Advocate

For R5 & R6 : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

O R D E R

The Writ Petition has been filed seeking to direct the 5th & 6th respondents to take suitable legal action against the 7th and 8th respondents in accordance with law on merits by considering the petitioner's representation on 16.11.2020 and further representation dated 02.02.2022.

2. The case of the petitioner is that the petitioner is the owner of the property in respect of Survey No.2205/4, Palur Village, Chengalpattu Taluk & District. One Mr.S.Rajkumar/R7, who has no right over the petitioner's property, claims right over the property and he has trespassed into the petitioner's property and demolished the building on 12.11.2020 with the help of the police. Further case of the petitioner is that the said Mr.S.Rajkumar/R7 is explicitly acting hands in gloves with the Revenue Department in creating false entries and mutating the revenue records in the name of Mr.S.Rajkumar and he has also created documents as if the Survey No.2205/4 was subdivided into various sub divisional survey numbers without the petitioner's knowledge. Thereby, the petitioner had given a complaint on 12.11.2020 and thereafter, since, no action was taken, he had given a representation on 16.11.2021. Since, no action was taken by the respondents, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property in Survey No.2205/4 in Palur Village, Chengalpattu Taluk and District. The 7th and 8th respondents, based on the fabricated documents, claim right over the property are repeatedly harassing the petitioner. Hence, the petitioner had given a complaint on 12.11.2020 and also a representation on 16.11.2021. Since, no action has been taken by the respondents, the petitioner filed the present writ petition seeking the aforesaid relief.

4. Learned Additional Public Prosecutor would submit that there is a dispute between the petitioner and the said 7th and 8th respondents with regard to the boundaries. The petitioner claims



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that the 7th and 8th respondents have fabricated the revenue records. Based on the complaint given by the petitioner, the 6th respondent conducted an enquiry by summoning the petitioner as well as 7th and 8th respondents. During the enquiry, 7th and 8th respondents have undertaken that they will not create any problem and both the parties have agreed to survey the property through the officials of Revenue Department and they have agreed to settle the disputes among themselves. Based on the undertaking given by both the parties, the representation given by the petitioner was closed on 03.03.2022 and it is also uploaded in Tamil Nadu Police Portal. Further, he would submit that if the parties approach the Revenue Officials and fix a date for surveying the property, the 6th respondent will afford police protection for survey.

5. Heard the learned Counsel and perused the materials available on record.

6. In view of the above submission, the petitioner is directed to pay requisite fee for surveying the property to the 4th respondent, who in turn, shall depute the officials of the Revenue Department to survey the property and on the date fixed for survey, the 6th respondent shall afford appropriate police protection for surveying the property.

7. Accordingly, this Writ Petition stands disposed of with the above directions. However, there shall be no order as to costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rgi/ham
To

1. The District Collector,
Kancheepuram,
Kancheepuram Dist.
2. The District Revenue Officer,
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Tamil Nadu - 603 001.



3. The Revenue Divisional Officer,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.

4. The Tahsildar,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.

5. The Superintendent of Police,
Thaiyar Kullam, Kancheepuram,
Tamil Nadu - 603 001.

6. The Inspector of Police,
D3 Police Station, Palur,
Kancheepuram.

7. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.19995

W.P.No.6404 of 2022

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srg 06/04/2022