

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WP.No.11644/2019

R.Usha

...Petitioner

Vs

1. The District Collector,
District Collector Office
Kanchipuram, Kanchipuram District.
2. The Revenue Divisional Officer
Revenue Divisional Office
GST Road, Tambaram
Chennai - 45.
3. The Tahsildar
Pallavaram Taluk Office
Kanchipuram District.
4. The Deputy Commissioner of Police
Office of the Deputy Commissioner of Police
Ambattur Division, Avadi, Chennai - 54.
5. The Inspector of Police
T14 Mangadu Police Station
Mangadu, Chennai-122.
6. Mani
7. M.Rani

...Respondents

Prayer: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents herein to measure the petitioner's land plot No.36, in layout at ''Sangamithira Avenue'' comprised survey No.217/29, situated at Sirinivasapuram Village, Pallavaram Taluk, Kanchipuram District by considering the petitioner's representations dated 22.06.2015, 02.04.2019 and 05.04.2019.

For Petitioner : Mr.K.Gowthaman

For RR 1 to 5 : Mr.P.Ananda Kumar
Government Advocate

For RR6&7 : Mr.P.Rathnavel

ORDER

- (1) Heard the learned counsel for the petitioner ; Mr.P.Anandakumar, learned Government Advocate for respondents 1 to 5 and Mr.P.Rathnavel, learned counsel for respondents 6 and 7.
- (2) The complaint of the petitioner is that the Revenue authorities have not taken steps to measure the land despite the petitioner having made an application and having paid the necessary fee.
- (3) According to the petitioner, even though an application was made in the year 2015 to measure the land, no steps have been taken by the respondents. It is the claim of the petitioner that the private respondents have trespassed upon the property of the petitioner. Pending the above writ petition, the petitioner has filed a suit in OS.No.124/20121 seeking declaration of her title and recovery of possession after removal of the superstructure.
- (4) In paragraph No.5 of the said suit, the petitioner herself has alleged that the authorities had measured the property and informed the petitioner that there was an encroachment by the private respondents. The authorities however did not give any Report. From the above averment of the petitioner, made in the plaint itself, it is clear that the request of the petitioner has been complied with. However, the authorities had not given a written Report.
- (5) Now that the petitioner has filed a suit for recovery of possession, it is open to her to establish her title before the Civil Court and seek recovery of possession of the property encroached upon. There are enough means under the Code of Civil Procedure to identify the property encroached upon also.
- (6) In view of the fact that the petitioner has approached the Civil Court which is a better remedy, I do not think the direction sought for in this writ petition is necessary.
- (7) Hence, the writ petition is dismissed with liberty to the petitioner to have all her rights adjudicated before the Civil Court concerned. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

AP

To

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Mangadu, Chennai-122.

+1cc to M/s.P.Rathnavel, Advocate, S.R.No.41722

+1cc to M/s.K.Gowthaman, Advocate, S.R.No.42379

+1cc to the Government Pleader, S.R.No.42991

WP.No.11644/2019

PMK(CO)
RGA(20/07/2022)