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W.P. No.21768 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 21768 of 2018
and WMP.No.25538 of 2018

C.Jothi

... Petitioner

Vs.

1. The Estate Officer,
Integral Coach Factory, Chennai-38.

2. The Tahsildar,
Aminjikai Taluk,
Aminjikai, Chennai-30.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to remove the Iron Posts and Tin Sheets illegally put up by the 1st respondent on the Eastern Boundary of petitioner Patta Land viz. all that Plot Nos.4 5 6 7 8 and 9 in all measuring 18 cents comprised in Old Survey No.204/2A 75 Villivakkam Village presently Amenjikai Taluk earlier Perambur-Purusawakkam Taluk (previously Saidapet Taluk) now comprised in T.S.No.280 (Part) presently Aminjikai Taluk earlier Perambur-Purusawakkam Taluk within such time as may be stipulated by this Honourable Court and to pass an order of Interim Injunction restraining the 1st respondent from in any manner interfering with the petitioners right of egress and ingress to her property being Plot Nos.4 5 6 7 8 and 9 each measuring Ac.0.03 Cents and in all measuring 18 cents comprised in Old



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Survey No.204/2A 75 Villivakkam Village presently Aminjikarai Taluk earlier Perambur-Purusawakkam Taluk (previously Saidapet Taluk) now comprised in T.S.No.280 (Part) Block No.25 (Correct Block No.31 as informed by the 2nd respondent) presently Aminjikarai Taluk earlier Perambur-Purusawakkam Taluk pending disposal of the above writ petition.

For Petitioner : Mr. S.Thanka Selvan

For Respondents : Mr.M.Vijay Anand, ASC R1
Mr.T.K.Saravanan, GA R2

ORDER

The case of the petitioner is that he is the absolute owner of the land in Plot No.4,5,6,7,8 and 9 each measuring Ac.0.03 cents and in all measuring 18 cents, comprised in Old S.No.204/2A, 75 Villivakkam Village, Perambur-Purasawakkam Taluk (formerly Saidapet Taluk) now comprised in T.S.No.280 (part) Block No.31 Perambur – Purasawakkam Taluk. The petitioner's vendor acquired the above said subject lands by way of assignment. Subsequently, the petitioner has purchased the above said properties. After purchase, the petitioner came to know that the second respondent put up a fence in the petitioner's subject land. Therefore, the petitioner made an application to the first respondent to remove the poles laid by them and the same was not considered. Hence, the present writ petition has been filed seeking an appropriate remedy.



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2. Learned counsel for the petitioner submitted that on the earlier occasion, the petitioner made applications on 31.03.2015 and 24.02.2017 seeking to survey and fix the boundaries for the petitioners land and the same was not consider and therefore, the petitioner filed a writ petition in W.P.No.14662 of 2017. This Court by its order dated 08.11.2017 issued a direction to the second respondent therein to dispose of the petitioners applications and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. However, till date, the said order is not complied with and the fence that was put up by the first respondent is not removed till date. The learned counsel prays that this Court may issue a direction to the first respondent to remove the fence from the petitioner's land within the stipulated time as fixed by this Court.

3. The learned counsel for first respondent submitted that the entire property in S.No.204/2A acquired by the petitioner's predecessors in the year 1958 by way of assignment from the State Government and as on date, there is no sub division made in the said property. Without making any sub division, the claim made by the petitioner is not sustainable. However, this Court may issue a direction to the concerned jurisdiction Tahsildar and Taluk



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Surveyor to measure the property after securing the title deed from the petitioner.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Considering the facts and circumstance of the case, this court directs the second respondent and jurisdictional Taluk Surveyor to measure and survey the property based on the title deed produced by petitioner and fix the boundaries as per the Tamil Nadu Survey and Boundaries Act, 1923 within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking order : Yes / No



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M.DHANDAPANI, J.

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