



W.P.No.16070 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16070 of 2022

M.Selvam

... Petitioner

vs.

- 1.The Commissioner,
(The Survey and Land Record),
The Central Survey Office,
Chennai-5.
- 2.The District Collector,
The Office of District Collector,
Chengalpattu District.
- 3.The Assistant Director,
The District Survey and Land Records Department,
Collector Office,
Chengalpattu District.
- 4.The Thasildar,
The Taluk Office,
Thiruporur Taluk,
Chengalpattu District.
- 5.The Taluk Deputy Surveyor,
The Office of Taluk Surveyor,
Thiruporur Taluk.



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6.The Village Administrative Officer,
The Office of Village Officer,
Pattipulam Village, Thiruporur Taluk,
Chengalpattu District.

7.Balakrishnan

8.Ganeshan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to Survey, measure and demarcate the 0.12 cents comprised in Survey No.217/2, Pattipulam Village, Thiruporur Taluk and to fix the four boundaries of the property with pathway belongs to the petitioner registered as document No.3857/2016 on the file of the Sub Registrar, Thiruporur, the extent of 0.03 cents (1308 Sq Ft) in the presence of an Advocate Commissioner within the time stipulated by this court.

For Petitioner : Ms.P.Uma

For Respondents 1 to 6 : Mr.P.Sathish
Additional Government Pleader

ORDER

This petition has been filed for issuance of writ of Mandamus to direct the 3rd respondent to Survey, measure and demarcate the 0.12 cents comprised in Survey No.217/2, Pattipulam Village, Thiruporur Taluk and to fix the four boundaries of the property with pathway belongs to the petitioner registered as document No.3857/2016 on the file of the Sub Registrar, Thiruporur, the extent of 0.03 cents (1308 Sq Ft) in the presence of an Advocate Commissioner within the time stipulated by this court.



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2. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents 1 to 6. With the consent of learned counsel appearing on either side, this petition is taken up for final disposal at the admission stage itself.

3. Since no adverse order is being passed against the Respondents 7 and 8, notice to the respondents 7 and 8 is dispensed with.

4. The case of the petitioner is that the petitioner earlier submitted an application through online to measure his 3 cents of property. However, the same was not considered by the Revenue officials. Hence, the petitioner had filed a writ petition before this Court in W.P.No.5578 of 2020 seeking to conduct a survey and fix the boundaries in the property belonging to the petitioner. This Court, by an order dated 04.03.2020, closed the writ petition after recording the submission made by the learned Additional Government Pleader stating that the survey has been fixed on 13.03.2020. Thereafter, the Taluk Surveyor conducted survey in the said property and filed a report stating that the petitioner's property and one Raja's property are situated in some other patta land and after measurement, the petitioner



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refused to sign the report. However, not satisfied with the survey, the petitioner issued a contempt notice stating that the respondent officials have carried out the survey in a vague manner for 12 cents instead of 3 cents of the petitioner's property and informed that the public toilet was constructed in the petitioner's property and the Revenue officials failed to give any written reports regarding the four boundaries of the petitioner's property and its measurements. Thereafter, the petitioner filed a contempt petition before this Court in Cont.P.No.1100 of 2020. Since the respondent officials had submitted the survey report, the contempt petition was closed and liberty was granted to the petitioner to file an appeal before the appellate authority. Accordingly, the petitioner filed an appeal before the Appellate Authority/District Surveyor, Chengalpattu District under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923. However, till date, the said appeal was not considered by the respondents. Hence, the present writ petition has been filed.

5. The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the third respondent to dispose of the appeal filed by the petitioner dated 18.03.2021, within a



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stipulated time frame as fixed by this Court.

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6. The learned Additional Government Pleader appearing for the official respondents has no objections for the said order being passed.

7. This Court has carefully considered the rival submissions and also perused the materials placed before it.

8. In view of the limited prayer sought for by the petitioner, this Court without expressing any opinion on the merits of the case, directs the third respondent to consider the appeal preferred by the petitioner dated 18.03.2021, if not already disposed of, enquire into the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the respondents 7 and 8 and also the aggrieved persons, if any, within a period of twelve weeks from the date of receipt of a copy of this order.



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9. With the above directions, the writ petition is disposed of. No

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costs.

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Index : Yes/No
Internet : Yes/No
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To

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M.DHANDAPANI, J.

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