



W.P.No.26973 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.26973 of 2022

and

W.M.P.No.26188 of 2022

Sumitha

... Petitioner

Vs.

1.The District Surveyor,
Kancheepuram District,
Kancheepuram.

2.The Taluk Surveyor,
Kundrathur Tahsildar Taluk Office,
Kancheepuram District.

3.The Block Development Officer,
Kundrathur Panchayat Union,
Presence at Padappai,
Kundrathur Taluk, Kanchipuram District.

4.The Panchayat President,
Madampakkam Village,
Kundrathur Taluk,
Kanchipuram District.

5.Gowri

6.Dhanasekaran

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the first and second respondents to Survey the petitioner's land comprised in Survey Numbers 71/1A1B, 71/1A1C, 71/1A1D at Madambakkam Village, Kundrathur Taluk, Kancheepuram District on the basis of the petitioner's application challan number 20220927003713 dated 27.09.2022.

For Petitioner : Mr.S.Saravana Kumar

For Respondents :
For R1 & R2 : Mr.T.K.Saravanan
Government Advocate

For R3 & R4 : Mr.B.Vijay
Additional Government Pleader

ORDER

Mr.T.K.Saravanan, learned Government Advocate takes notice on behalf of the first and second respondents and Mr.B.Vijay, learned Additional Government Pleader takes notice on behalf of the third and fourth respondents.

2. This Writ Petition is being disposed of at the time of admission after hearing the learned counsel for the petitioner, the learned Government Advocate for the first and second respondents and the learned Additional



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Government Pleader for the third and fourth respondents and after dispensing with the requirement of filing of counter, as no opinion is expressed on merits of the case.

3. The petitioner has filed this Writ Petition for a Mandamus, to direct the first and second respondents to Survey the petitioner's land comprised in Survey Numbers 71/1A1B, 71/1A1C, 71/1A1D at Madambakkam Village, Kundrathur Taluk, Kancheepuram District on the basis of the petitioner's application challan number 20220927003713 dated 27.09.2022.

4. The specific case of the petitioner is that the fifth and sixth respondents/private respondents are the petitioner's neighbour and are putting up construction without prior permission by encroaching the petitioner's land. It is therefore submitted that there should be an interim injunction to restrain the fifth and sixth respondents/private respondents from putting up any construction, pending plan approval by the Panchayat President.

5. The learned Government Advocate for the first and second respondents submitted that the petitioner's application for surveying the land



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will be complied with within a period of two weeks from the date of receipt of a copy of this order.

6. Though the petitioner seeks an interim relief to injunct the fifth and sixth respondents/private respondents herein, I am inclined to decline such relief in this writ petition, leaving the petitioner to work out her remedy against the fifth and sixth respondents/private respondents in an appropriate forum or by filing a civil suit.

7. As far as the surveying the petitioner's land is concerned, I do not see any impediment to grant relief to the petitioner in this writ petition. Therefore, this Writ Petition is allowed. However, while surveying the land, private notice may be issued to the fifth and sixth respondents/private respondents. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Index : Yes/No
Speaking/Non-Speaking Order

gba/arb



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C.SARAVANAN, J.

gba/arb

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