



W.P.No.30803 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.30803 of 2022

R.Monika

...Petitioner

Versus

- 1.The District Collector,
Chennai District,
No.62, Rajaji Salai, Chennai – 600 001.
- 2.The Assistant Director of Survey and Land Records,
Chepauk, Chennai – 600 005.
- 3.The Tahsildar,
Madhavaram Taluk,
Gandhi Main Road, Balaji Nagar,
Madhavaram, Chennai – 600 066.
- 4.Mrs.S.Malathi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to 1 to 3 to depute the competent survey officials to survey and demarcate the boundaries of the property, namely, vacant land of extent 2,400 sq.ft bearing Plot No.27 (Plot No.27 Northern Portion of extent 1,200 sq.ft and



Plot No.27 Southern Portion of extent 1,200 sq.ft), Jayam Nagar (previously known as Kalpana Nagar), comprised in Old S.Nos.200/A, 200/A1, 200/A1B, New S.No.200/20 as per Patta No.12459 and New S.No.200/21 as per Patta No.12460, Soorapattu Village, Madhavaram Taluk, Chennai District within the Registration District of North Chennai and within the Sub Registration District of Ambattur by metes and bounds after issuing notice to the concerned parties.

For Petitioner	:	Mr.P.Mohanraj
For Respondents – 1 to 3	:	Mr.U.Bharanidharan, Additional Government Pleader

ORDER

Mr.U.Bharanidharan, learned Additional Government Pleader takes notice for the respondents 1 to 3. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The relief sought in this writ petition is to direct the respondents 1 to 3 to depute the competent survey officials to survey and demarcate the boundaries of the petitioner's property, viz., vacant land of extent 2,400 sq.ft bearing Plot No.27 (Plot No.27 Northern Portion of extent 1,200 sq.ft and Plot No.27 Southern Portion of extent 1,200 sq.ft), Jayam Nagar (previously known as Kalpana Nagar), comprised in Old S.Nos.200/A, 200/A1,



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200/A1B, New S.No.200/20 as per Patta No.12459 and New S.No.200/21 as per Patta No.12460, Soorapattu Village, Madhavaram Taluk, Chennai District within the Registration District of North Chennai and within the Sub Registration District of Ambattur by metes and bounds, after issuing notice to the concerned parties.

3. The case of the petitioner is that she has purchased a property viz., vacant land measuring to an extent of 1200 Sq.ft bearing Plot No.27 Part (Northern Portion), Jayam Nagar (previously known as Kalpana Nagar) comprised in Old S.Nos.200/A, 200/A1, 200/A1B, New S.No.200/20 as per Patta No.12459 situated at Soorapattu Village, Madhavaram Taluk, Chennai District within the Registration District of Ambattur from one Mr.G.Sunil Kumar Jain vide Sale Deed dated 10.07.2020 which was registered as Document No.6067 of 2020, Book – I on the file of Sub Registrar Office, Ambattur. Similarly, she has also purchased another property viz., vacant land measuring to an extent of 1200 Sq.ft bearing Plot No.27 Part (Southern Portion) Jayam Nagar (previously known as Kalpana Nagar) comprised in Old S.Nos.200/A, 200/A1, 200/A1B, New S.No.200/20 as per Patta No.12460 situated at Soorapattu Village, Madhavaram Taluk, Chennai



District within the Registration District of Ambattur from one Mr.G.Anil Kumar Jain vide another Sale Deed dated 10.07.2020 which was registered as Document No.6068 of 2020, Book – I on the file of Sub Registrar Office, Ambattur. She has purchased the said properties only after verifying all the documents. When she purchased the said properties, Patta Nos.12459 & 12460 were in the name of her vendors viz., Mr.G.Sunil Kumar and Mr.G.Anil Kumar respectively. After she purchased the said properties, mutation took place in the Revenue Records and Patta Nos.12627 & 12638 were issued in her favour. During the month of September 2020, she has put up the compound wall on her aforesaid properties and she is in possession and enjoyment of the said properties as an absolute owner.

3.1. While so, on 04.01.2022, the fourth respondent with the help of some anti-social elements, attempted to trespass into the petitioner's properties and grab the same. Therefore, in this regard, petitioner gave a compliant to the Inspector of Police, Ambattur Police Station, Chennai. On receipt of that complaint, the Police Officials asked the petitioner as well as the fourth respondent to produce the title deeds before them. The petitioner has also produced the title deeds before the Police Officials, whereas, the



fourth respondent did not produce the title deeds and documents.

Thereafter, the fourth respondent has issued a legal notice dated 12.04.2022 to the petitioner, claiming right and title over the aforesaid properties. As a response to the said legal notice, the petitioner sent a detailed reply dated 25.04.2022 to the fourth respondent, informing that she is no way connected to her aforesaid properties and her claim is false.

3.2. That apart, as per the advice of the Police Authorities, petitioner made an application dated 06.01.2022 to the third respondent, requesting to survey her lands by metes and bounds. She has also paid the necessary charges for surveying her lands vide Challan Numbers 20220106004574 & 20220106004743. However, there was no response for her application. Therefore, the petitioner made a representation dated 15.06.2022 to the respondents 1 to 3, requesting them to survey her property and demarcate it by metes and bounds. Then, the petitioner received a copy of the communications dated 05.07.2022 and 02.08.2022 respectively sent by the Additional PA to Collector (Land), Chennai – 1 to the third respondent to the effect that to take necessary action on her representation dated 15.06.2022. She also received a copy of the communication dated



11.07.2022 sent from the office of the second respondent to the respondents 1 & 3, requesting them to take necessary action on her representation and furnish the information to her and also, to inform the same to the second respondent's office. However, till date, respondents 1 to 3 have neither taken any action on petitioner's representation nor surveyed the petitioner's aforesaid lands.

3.3. In the meanwhile, the fourth respondent has filed a suit in O.S.No.356 of 2022 before the IV Additional District and Sessions Court, Ponneri, for permanent injunction and mandatory injunction to remove the compound wall put up by the petitioner on the aforesaid lands and the same is pending. Aggrieved over the act of the fourth respondent, petitioner has filed the present writ petition before this Court for the relief stated *supra*.

4. Since no adverse order is being passed against the fourth respondent, notice to the fourth respondent is dispensed with.

5. Heard the learned counsel on either side and perused the materials placed before this Court.



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6. Considering the limited relief sought by the petitioner in this writ petition, this Court, without going into the merits of the case, directs the respondents 1 to 3 to consider the petitioner's representation dated 15.06.2022 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

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mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order



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M.DHANDAPANI, J.

mrr

Copy to

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