

**W.P. No.517 of 2018**

S. VAIDYANATHAN, J.
and
K. RAJASEKAR, J.

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This Writ Petition has been filed seeking for a direction to the 1st Respondent viz., The District Collector, Kancheepuram to take necessary steps and measures to remove the encroachments and clear all occupants thereon in the petitioner's landed property viz. 1.25 acres in Survey No.94B and 1800 sq.ft. in Survey No.94A at Tirusoolam Village, Tambaram Taluk and enable the petitioner to take possession of its land of 1.25 acres in Survey No.94B and 1800 sq.ft. in Survey No.94A at Tirusoolam Village, Tambaram Taluk.

2. Mr.P.M.Subramaniam, learned Senior Counsel appearing for the petitioner submitted that the aforesaid property belongs to Port Trust and there are encroachments in the said property and that apart from the proceedings dated 23.08.1986 of the Revenue Divisional Officer, Saidapet addressed to the Collector, Kancheepuram, it is very clear that the property vests with the Port Trust and the patta has already been issued.

3. Mr.S.John J Rajasingh, learned Additional Government Pleader appearing for the Respondents submitted that originally the lands in Survey



Nos.94A and 94B have been classified as "Government Dry" and thereafter land in Survey No.94A was classified as "Riyot Dry" and stood in the name of "Harbour Trust Board" and land in Survey No.94B was classified as "Vandipattai". He further submitted that erroneous entries have been reflected in the 'A' Register of Thirisoolam Village and therefore, the petitioner may be directed to give fresh representation and the same will be considered by the Respondents.

4. A perusal of the proceedings 23.08.1986, clearly shows that the property in question belongs to Port Trust. That apart, there was an order of grant of land to the Harbour Trust Board as early as on 30.06.1906 and the petitioner also produced a Gazettee Notification dated 18.12.1905.

5. Though it is represented by Mr.John J Raja Singh, learned Additional Government Pleader appearing for the Respondents that the petitioner may be directed to give representation, we are of the view that since the patta has been issued in the year 1986 itself and the Writ Petition was filed as early as in the year 2018, directing the petitioner to give representation will not yield any fruitful result and therefore in order to give quietus to the matter,as agreed by both parties, we appoint **Mr.K.Sharath Chandran, Advocate (Mobile No.98844 45442 & Email Id:**



sharath10@gmail.com), No.3, Gokulam, Gopala Menon St, Choolai, Vepery, Chennai-600 007, as Advocate Commissioner, who shall:

- i. inspect the area in question in the presence of the parties concerned, Government Officials and Surveyor;
- ii. take photographs and videograph of the place;
- iii. if required, seek for necessary police protection at the time of inspection;
- iv. Call for Survey records from the Revenue Department.
- v. verify all relevant revenue documents in respect of the place;

The Advocate Commissioner is expected to file a detailed report before the Registry on or before 30.10.2023. The initial remuneration payable by the Petitioner to the Advocate Commissioner is fixed at Rs.40,000/-, apart from other incidental expenditure. We make it very clear that in case the Advocate Commissioner's report is in favour of the Petitioner, the amount paid by the Petitioner to the Advocate Commissioner shall be reimbursed by the Respondents.

Post on 31.10.2023. Registry is directed to issue warrant to the Advocate Commissioner forthwith.

(S.V.N.,J) (K.R.S.,J)
29.09.2023

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S. VAIDYANATHAN, J.
and
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