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Writ Petition No.14368 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2023

Coram:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition No.14368 of 2023
and WMP No.13878 of 2023

Suresh Guntur

.. Petitioner

versus

1. The Tahsildar,
Office of Tahsildar,
TNHB Sholinganallur, Chennai – 119.

2. The Inspector of Police (L&O),
J8, Neelankarai Police Station,
Chennai – 600 115.

3. S.Sathiyarayanan

4. Mary Jennifer

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, calling for the records of the 1st
respondent in Na.Ka.No.1842/2023/AA2 dated 28.04.2023 to quash the same.

For Petitioner :Mr.R.Chandrasudan

For Respondents :Mr.C.Kathiravan (for R1 & R2)
Special Government Pleader



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ORDER

Writ Petition is filed for issuance of a Writ of Certiorari, calling for the records of the 1st respondent in Na.Ka.No.1842/2023/AA2 dated 28.04.2023 to quash the same.

2. Learned counsel for the petitioner would submit that the petitioner is the owner of the property situated at Plot No.3, Sri Babuji Nagar, Injambakkam Village, Solinganallur Taluk, Chennai District, measuring an extent of 2632.5 sq. ft. comprised in Old Survey No.34, Old Patta bearing No.434, 1865, 6688 and present Patta No.7923.

3. He would further submit that there is a dispute between the petitioner and the neighbouring plot owners and on the request given by the 2nd respondent, the 1st respondent has issued the impugned notice calling upon the petitioner to appear for a survey and he would submit that under the guise of surveying the land, the respondents are attempting to dispossess the petitioner from his Plot and thereby the present petition has been filed seeking to quash the impugned notice. He would further submit that if the survey would be conducted in an unbiased manner, the petitioner is ready to co-operate for the survey.



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4. Learned Special Government Pleader would submit that there is a dispute with regard to the boundaries by the persons living in that area and on the request of the 2nd respondent, the 1st respondent has issued the impugned notice calling upon all the owners of the adjacent lands to appear for survey and other than that the respondent has not harassed the petitioner. He would further submit that in a case where a direction for survey of lands was sought for, the Madurai Bench of this Court in W.P.(MD).No.28520 of 2022, vide order dated 20.12.2022, has issued a sequence of directions to be complied with while conducting survey of the lands and he would submit that in the present case also, the authorities would conduct the survey of the lands by following such directions scrupulously.

5. The directions made in WP (MD) No.28520 of 2022 dated 20.12.2022 are extracted hereunder for ready reference:

“2. The Writ Petition is disposed of with the following directions:~

(I) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.

(II) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(III) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any



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injunction order, the survey can very well go on. It is open to the parties to serve memo of instructions to the surveyor at the time of conducting the survey. The same will be borne in mind. While it cannot be binding on the surveyor, the same will be taken note of.

(IV) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(V) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

(VI) It is made clear that at the end of the survey exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid. The Survey Authority will pass order within a period of six weeks after service of notice on the interested persons.

(VII) A copy of the survey report will be served on the parties also.”

6. In the case on hand, it appears that on a land dispute among the adjacent land owners, the impugned notice has been issued calling upon all the adjacent land owners and the petitioners to extend their cooperation for a survey of the lands. In the circumstances of the case, the writ petition stands disposed of with the directions to the respondents to follow the directions made in WP (MD) No.28520 of 2022 dated 20.12.2022 and conduct the survey, and complete the same within a period of six weeks from the date of receipt of a



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copy of this order. No Costs. Consequently, the connected Writ Miscellaneous
Petition is closed.

05.05.2023

Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation: Yes/No.

ars/sai/ssk.

To

1. The Tahsildar,
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A.D.JAGADISH CHANDIRA,J

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