



W.P.No.19062 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19062 of 2023

Continental Hotels and Resorts
Rep. by it's Proprietor
Mr.S.Xavier Britto

... Petitioner

Vs.

1.The Tahsildar,
O/o.Tahsildar Office,
Thirukazhikundram,
Chengalpattu – 603 109.

2.Selvendiran
3.B.Saravanan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to take appropriate action on the representation dated 24.04.2023.

For Petitioner : Mr.M.Shreedhar
For Respondents : Mr.E.Veda Bagath Singh for R1
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of



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Writ of Mandamus directing the first respondent to take appropriate action on the representation dated 24.04.2023.

2.The case of the petitioner is that M/s.Esthell Village Resorts of the petitioner concern is situated in S.Nos.141, 133, 135, 134 at No.60, EGAI Village, Mullikolathur Panchayat, Thirukazhikundram Taluk, Chengalpet District. Since the petitioner Management was against the demand made by respondents 2 and 3, they started sending petitions, complaints and legal notice to the revenue department, especially, the first respondent alleging that the resort had encroached water bodies nearby without any documentary evidence. Respondents 2 and 3 also spread false allegation against the petitioner among the local public by distributing pamphlets and circulating whatsapp messages and news with the local news channels. Hence the petitioner made representation to the first respondent seeking clarification and to conduct preliminary enquiry into the allegations raised by the respondents 2 and 3 and since the same has not yet been considered, has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that the first respondent instead of conducting enquiry, made a news



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flash as though the petitioner had encroached into water bodies and prevented the Authority from measuring the property. The learned counsel further submitted that the petitioner is ready to co-operate with the survey department to survey the property and to produce the relevant documents before the first respondent.

4.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent. Since this Court is not inclined to pass any adverse order as against the respondents 2 and 3, notice to the respondents 2 and 3 is dispensed with.

5.Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the first respondent to measure the property in S.Nos.141, 133, 135, 134 at No.60, EGAI Village, Mullikolathur Panchayat, Thirukazhikundram Taluk, Chengalpet District and after providing opportunity to the petitioner as well as the private respondents, pass appropriate orders strictly in terms of the Tamil Nadu Survey and Boundaries Act, 1923, within a period of four weeks from the date of receipt of a copy of this order.



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M.DHANDAPANI,J.
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6.The writ petition is accordingly disposed of. No costs.

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The Tahsildar,
O/o.Tahsildar Office,
Thirukazhikundram,
Chengalpattu – 603 109.

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