



W.P.No.19248 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19248 of 2023

Loganayaki

...Petitioner

Vs.

1.The District Collector,
Chennai District,
Chennai.

2.The Tahsildar,
Tiruvottriyur Taluk,
Tiruvottriyur,
Chennai District.

3.The Head Surveyor,
Tiruvottriyur Taluk,
Tiruvottriyur,
Chennai District

4.G.Devadass @ Ramu

5.Jagadish Haklesa

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the second respondent from surveying the property comprised in Survey Nos.30/4B, 30/5, 31/8B, 53/3,



W.P.No.19248 of 2023

53/4, 55/11, 55/12, 56/8B, 61/2 and 62/5 situated at Ariyalur Village, Ambattur Taluk, Tiruvottryur, Tiruvallur District.

For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader

ORDER

The relief sought for in this writ petition is to forbear the second respondent from surveying the property comprised in Survey Nos.30/4B, 30/5, 31/8B, 53/3, 53/4, 55/11, 55/12, 56/8B, 61/2 and 62/5 situated at Ariyalur Village, Ambattur Taluk, Tiruvottryur, Tiruvallur District.

2. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 made a submission that the process of survey has already been concluded and therefore, the relief as such sought for in this writ petition became infructuous.

3. The learned counsel for the petitioner raises an objection by stating that the respondents 1 to 3 have acted excessively by securing police protection and conducted survey.

4. The survey conducted under the provisions of Survey and



W.P.No.19248 of 2023

Boundaries Act is not a conclusive proof with reference to section 35 of the Indian Evidence Act and therefore, the parties are bound to establish their title or ownership independently, based on the documents and evidences available on record.

5. Thus, the survey if any conducted by the respondents in respect of subject property, do not provide any title or otherwise and the parties are bound to establish their case by approaching the competent Civil Court of law.

6. This being the position, the petitioner is at liberty to approach the competent Civil Court of law for the purpose of establishing their case in the manner as contemplated.

7. With these observations, this writ petition is disposed of. No costs

11.07.2023

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Index : Yes
Speaking order

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W.P.No.19248 of 2023

WEB COPY To

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Chennai District



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W.P.No.19248 of 2023

S.M.SUBRAMANIAM, J.

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W.P.No.19248 of 2023

11.07.2023