



WP No.23214 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.23214 of 2023

1. J.Soundarajan
2. Anjali

... Petitioners

-VS-

1. The District Collector,
Chennai District,
Chennai 600 001.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Divisional Engineer (Highways),
Construction and Maintenance,
Sriperumputhur, Kancheepuram.
4. Assistant Divisional Engineer (Highways),
Construction and Maintenance,
Sriperumputhur, Kancheepuram.
5. The Inspector of Survey,
Survey Department,
Alandhur, Chennai.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned order dated 26.07.2023 made in Ku.No.89/2023/E.VA.A passed by the 4th respondent and to quash the same.

For the Petitioners : Mr.C.Prabakaran
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader,
for respondents 1 to 5.

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.C.Prabakaran, learned counsel for the petitioners, Mr.P.Muthukumar, learned State Government Pleader, for the respondents 1 to 5.

2. The learned counsel for the petitioners submits that the petitioners are the legitimate owners and possessors of the area admeasuring 600 sq.ft. comprised in S.No.408/2 which is part of S.No.582/13. Final notice is issued to remove the petitioners. The same is illegal. The settlement deed also is executed between the parties. The assignment order is clear.



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3. The learned State Government Pleader submits that survey was already conducted in S.No.582/13.

4. The respondents may conduct a fresh survey on 07.08.2023. The petitioners may remain present at the time of survey. No separate notice would be given to the petitioners in view of the present order. The survey be conducted by the respondents and if upon survey being conducted, it is found that there is an encroachment of the petitioners in the land in S.No.408/2 and/or 582/13, then the respondent authorities are empowered to remove it.

5. The writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.22744 of 2023 is closed. W.M.P.No.22743 of 2023 filed to permit the petitioners to file a single writ petition is allowed and disposed of.

(S.V.G., CJ.)

(P.D.A., J.)

04.08.2023

Index : Yes/No
Neutral Citation : Yes/No
sra



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(sra)

To

1. The District Collector,
Chennai District,
Chennai 600 001.
2. The District Collector,
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Kancheepuram.
3. The Divisional Engineer (Highways),
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