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W.P.No.30603 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.30603 of 2017

D.Sarangan .. Petitioners

VS

1. The Tahsildar
Madhavaram, Chennai – 600 060.
2. The Revenue Inspector
Office of the Revenue Inspector
Madhavaram, Chennai – 600 110.
3. The Inspector of Police
M.1, Madhavaram Police Station
Madhavaram, Chennai – 600 110.

4. S.Gandhimathi .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the report of the first respondent dated 09.12.2014 and to quash the same and to remeasure the fourth respondent's property viz., Plot No.5-B, Balakrishna Nagar, comprised in Survey No.1261/1. Madhavaram Village, Madhavaram Taluk, Tiruvallur District measuring an extent of 2153 Sq.ft.



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For Petitioner : Ms.P.Rajam
for Mr.D.Prasanna

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 to R3

Mr.M.Stalin
for R4

ORDER

The survey report by the land surveyor Mathavaram in letter dated 09.12.2014 is sought to be quashed in the present writ petition and a direction is sought for to remeasure the fourth respondent's property viz., Plot No.5-B, Balakrishna Nagar, comprised in Survey No.1261/1. Madhavaram Village, Madhavaram Taluk, Tiruvallur District measuring an extent of 2153 Sq.ft.

2. The petitioner states that he is the Power Agent of one D.Sarangan to deal with the property bearing Plot No.5-B, Balakrishna Nagar, comprised in Survey No.1261/1. Madhavaram Village, Madhavaram Taluk, Tiruvallur District measuring an extent of 2153 Sq.ft. Mr.D.Sarangan has purchased the property under the sale deed dated 16.11.1988. The fourth respondent has purchased the adjacent property i.e, Plot No.5-B, Balakrishna Nagar.



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3. The petitioner states that the fourth respondent has encroached upon a portion of the property belonging to the petitioner.

Thus, the petitioner made a complaint and based on the complaint given by the petitioner, the third respondent / Inspector of Police, Madhavaram Police Station sent a letter to the Tahsildar to take appropriate action. Accordingly, the Land Surveyor, Madhavaram conducted a survey and gave a report stating that the fourth respondent has encroached upon a portion of the land. However, the first respondent / Tahsildar has to ascertain whether the encroachment is on the public property or in the private property belonging to the petitioner or otherwise.

4. If at all the public property has been encroached, then the revenue authorities are open to initiate action for removal of the encroachment by invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905. If it is encroached on the private property, then the revenue authorities shall advice the parties to approach the competent Civil Court of law for the purpose of establishing their right through documents and evidences.

5. This being the factum, the survey report of the land surveyor deserves no interference and the petitioner is at liberty to work out his



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remedy in the manner known to law.

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6. With these directions, the writ petition stands disposed of.

There will be no order as to costs.

Index : Yes/No

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Neutral Citation : Yes/No

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S.M. SUBRAMANIAM, J.

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