



W.P.No.29387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29387 of 2023

1.S.Durai Udayar

2.Vimala

...

Petitioners

/vs/

1.The Tahsildar

Poonamallee Tahsildar Office,
Poonamallee.

2.The Head Surveyor,

Poonamallee Taluk,
Poonamallee.

3.The Inspector of Police,

T-12 Police Station,
Chennai – 600 056.

4.Gomathi

5.Siva

6.Arokiyadoss Jesindamerry

7.Sakthivel

8.Danasekar

9.Danabakkiam

10.K.Ganesan

11.Ramalingam

12.Balachandar

13.Sampathkumar

14.Suresh

...

Respondents



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PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 & 2 to survey the petitioners land to an extent of 44 cents, in S.No.122, and 4 cents in S.No.137, in total extent of 48 cents, Kattupakkam Village, Poonamallee Taluk, Thiruvallur District based on the petitioners' application dated 17.07.2023 and consequently, to direct the 3rd respondent to give adequate police protection while at the time of measuring the land.

For Petitioners	...	Mr.M.Anandaraj
For Respondent Nos.1 & 2	...	Mr.V.Veluchamy Additional Government Pleader
For Respondent No.3	...	Mr.S.Sugendran Additional Public Prosecutor
For Respondent Nos.4 to 8 & 10,11 12 & 14	...	Mr.D.Thanigaivasan
Respondent No.9	...	Notice returned unserved for want of correct address.
Respondent No.13	...	Notice returned unserved (died)



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ORDER

This writ petition has been filed to issue a Writ of Mandamus directing the respondents 1 & 2 to survey the petitioners land to an extent of 44 cents, in S.No.122, and 4 cents in S.No.137, in total extent of 48 cents, Kattupakkam Village, Poonamallee Taluk, Thiruvallur District based on the petitioners' application dated 17.07.2023 and consequently, to direct the 3rd respondent to give adequate police protection while at the time of measuring the land.

2. The case of the petitioners is that they have purchased the petition mentioned properties and the revenue records have been mutated in their name and they have enjoyed the property peacefully without any interruption. Thereafter, one Mr.K.R.G.Sankar the local rowdy turned as Politician and elected as a Panchayat President in local area tried to grab our land by using the respondents 4 to 14 and illegally occupied the land without any title. In this regard, the first petitioner made a representation dated 17.07.2023 to conduct survey with necessary police protection but no action has been taken. Hence, the present writ petition has been filed.



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3. The learned counsel appearing for the respondents 4 to 8, 10, 11, 12 & 14 stated that they are in possession of the property and the petitioners have suppressed the vital fact that as if the land is vacant land, the respondents are in possession of the property.

4. Heard the learned counsel appearing for the petitioners as well as the learned counsel appearing for the respondent and perused the materials available on record.

5. On a perusal of the materials available on record, it is seen that the first petitioner made a representation before the official respondents on 17.07.2023 and also paid the legal fee for survey the land but they have not conducted survey. Therefore, the official respondents are directed to issue notice to the petitioners and the respondents 4 to 14 and also the adjacent land owners, who are the owners of four boundaries of the petitioners' land and also any other interested parties/rival claimants and conduct an enquiry and if the petitioners are otherwise eligible, the official respondents are directed to consider his representation and proceed with further on merits



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and in accordance with law and the said exercise shall be completed within
a period of two months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. However,
the private respondents are at liberty to bring their submissions if any
before the official respondents on receiving notice from them. No costs.

Index : Yes/No
speaking order: Yes/No
Neutral Citation: Yes/No
sms
To

16.11.2023

- 1.The Tahsildar
Poonamallee Tahsildar Office,
Poonamallee.
- 2.The Head Surveyor,
Poonamallee Taluk,
Poonamallee.
- 3.The Inspector of Police,
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P.VELMURUGAN,J.



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