



WEB COPY

W.P. No.32503 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.32503 of 2023

K.Sugunalatha

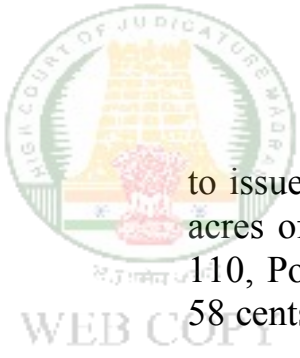
... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by the Secretary to Government
Revenue Department
Fort St. George, Chennai - 9
2. The District Collector
Tiruvallur, Tiruvallur District
3. The Revenue Divisional Officer
Ambattur, Chennai - 600 053
4. The Tahsildar
Avadi, Chennai - 600 054
5. Raghu
6. Ambika
7. Balakrishnan
8. Police Deputy Commissioner of Police
Avadi, Chennai - 600 054
9. The Inspector of Police
T7, Avadi Tank Factory Police Station
Chennai - 600 54

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,



to issue a writ of Mandamus directing the 4th respondent herein to survey 2 acres of land comprised in Survey No.233/2 covered under Patta No.95 and 110, Pothur Village, Avadi Taluk, Tiruvallur District to fix the boundaries of 58 cents of land comprised in the above said survey number.

For Petitioner : Mr.S.Arunkumar

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 to R4
Mr.S.Sugendran
Additional Public Prosecutor
for R8 and R9

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the 4th respondent herein to survey 2 acres of land comprised in Survey No.233/2 covered under Patta Nos.95 and 110, Pothur Village, Avadi Taluk, Tiruvallur District and to fix the boundaries of 58 cents of land comprised in the above said survey number.

2. Heard and perused the materials available on record.



3. The contention of the petitioner is that some of the relatives of the private respondents viz., K.Saravanan and M.P. Anbu had filed a civil suit in O.S.No.312/2010 before the Sub Court, Poonamallee, to declare that the local villagers are entitled to make use of the the above said 2 acres of land for burial ground and the said suit was dismissed on 28.02.2020. Earlier some of the parties had constructed cemetery in the petitioner's land and thereafter, the petitioner filed a writ petition and obtained order and the Cemetery was removed. Subsequently, the petitioner made a representation dated 25.08.2023 before the respondents 1 to 4 to survey her land and she also paid E-Challan on 09.06.2022. However, so far, the survey was not conducted. Hence, the petitioner is before this Court by way of filing this writ petition.

4. Though private respondents have been impleaded in this petition as respondent 5 to 7, no adverse order is be passed in this petition against them. Therefore, notice to the private respondents/respondents 5 to 7 is dispensed with.

5. Insofar as the respondents 8 and 9/police are concerned, they have no role to play in this writ petition. Therefore, the writ petition against the respondents 8 and 9 is not maintainable. Hence, the writ petition is dismissed



as against the respondents 8 and 9. If at all the petitioner has got any grievance, she can approach the police authority in the manner known to law.

6. In the light of the limited scope of prayer sought for in this writ petition and the submissions of the learned counsel on either side, this Court, without going into the merits of the case, directs the 4th respondent to consider the application made by the petitioner, if the application is otherwise in order and if the petitioner is otherwise eligible, and conduct survey after issuing notice and after hearing the petitioner, private respondents 5 to 7 and adjacent land owners of the 4 boundaries of the subject property and interested parties/rival claimants if any, and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of at the admission stage itself. There shall be no order as to costs.

16.11.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The Secretary to Government
Revenue Department
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2. The District Collector
Tiruvallur, Tiruvallur District
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P.VELMURUGAN. J.

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