



W.P.No.34191 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34191 of 2019

N.Gopi

.. Petitioner

-vs-

1. The District Collector  
Thiruvallur District

2. The Tahsildar  
Ponneri Taluk  
Thiruvallur District

3. The Chairman  
Chennai Metropolitan Development Authority  
Thalamuthu Natarajan Building  
No.1, Gandhi Irwin Road  
Egmore, Chennai 600 008

4. Prakash Kumar Jain  
5. Bharath Kumar Jain

.. Respondents



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Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider petitioner's representation dated 28.12.2018 and forbearing the 4th and 5th respondents from alienating or encumbering the land comprised in Survey Nos.27/1A, 1B, 2A, 2B, 3A, 4, 28/1, 2, 29/1, 110/1A, 1B & 110/2, 114/2A until the approved layout is obtained from the appropriate authorities and punish them for illegally selling the unapproved plots to the public and to prevent the water bodies and agricultural lands.

For Petitioner        ::        M/s B.Sharmila

For Respondents    ::        Mr.J.Ravindran  
                                         Additional Advocate General  
                                         assisted by  
                                         Mr.A.Selvendran  
                                         Special Government Pleader  
                                         for R1 & R2  
                                         Mr.Thamaraiselvan for R3  
                                         Mr.Vikram U.Jain for R4 & R5

### ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by Mr.N.Gopi, Son of Mr.R.Natarajan seeking for issuance of a mandamus directing the respondents 1 to 3 to consider his representation dated 28.12.2018 and to forbear the respondents 4 & 5 from alienating or encumbering the land comprised in Survey Nos.27/1A, 1B, 2A, 2B, 3A, 4, 28/1, 2, 29/1, 110/1A,



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1B & 110/2, 114/2A until the approved layout is obtained from the appropriate authorities and punish them for illegally selling the unapproved plots to the public and to prevent the water bodies and agricultural lands.

2. When the matter was taken up, learned counsel appearing for the respondents 4 & 5 submitted that the respondents 4 & 5, being the owners of the land covered in Survey No.110/2 to an extent of 3 acre and 46 cents of Karanodai Village, Ponneri Taluk, Tiruvallur District, have sold away the entire extent of land and the subsequent purchasers have not been impleaded as parties in the writ petition. He also submitted that the respondents 4 & 5 are no way connected to the land comprised in Survey Nos.27/1A, 1B, 2A, 2B, 3A, 4, 28/1, 2, 29/1, 110/1A, 1B & 114/2A, as alleged by the petitioner.

3. It is at this stage, Mr.J.Ravindran, learned Additional Advocate General appearing for the respondents 1 & 2 sought for reasonable time to conduct a precise survey with the help of Surveyor and to do the needful as



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per law, if the survey report discloses any alienation or encumbrance having been made in the place in question.

4. Recording his statement, the respondents 1 to 3 are directed to conduct a precise survey with the help of Surveyor and, if the survey report discloses that any alienation or encumbrance has been made in the survey numbers in question, if they are government interest lands, after issuing notice to the persons concerned and after considering their reply/representation along with supporting documents, they can proceed further for doing the needful. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

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