



W.P.No.358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.358 of 2024

K.Vijayakumar

... Petitioner

versus

1.The Thasildar,
Taluk Office, Sholinganallore Taluk,
Chengalpet District.

2.The Inspector of Police,
(Law & Order),
Madipakkam Police Station,
Chennai.

3.K.Boopathi

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the first respondent to survey the petitioner's house plot properties situated at South Chennai District, Velacheri Sub-Registration, Tambaram Taluk, Madipakkam and Village in Survey Nos.165/2B, 165/2D, 165/4 which in plot No.19, which is total



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extent of 2525 sq.ft based on the petitioner's online application along with survey fee E.Challan receipt No.20231021002455, dated 21.10.2023, consequently to direct the 2nd respondent to provide adequate police protection against the third respondent on the date and time of land survey by the first respondent.

For Petitioner : Mr.T.V.G.Kartheeban

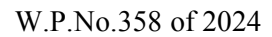
For Respondents : Ms.Akila Rajendiran
Government Advocate for R1

Mr.S.Sugendran
Additional Public Prosecutor for R2

ORDER

Ms.Akila Rajendiran, learned Government Advocate accepts notice for the first respondent and Mr.S.Sugendran, learned Additional Public Prosecutor appears on behalf of the second respondent.

2. Since this writ petition is being disposed of without passing any adverse orders against the third respondent, affecting his interest, notice to the third respondent is dispensed with. As this Court is of the view that the



second respondent is not a necessary party, this Writ Petition is dismissed as against the second respondent.

3. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the first respondent to conduct survey in respect of the subject properties comprised in Survey Nos.165/2B, 165/2D, 165/4, in plot No.19, situated at South Chennai District, Velacheri Sub-Registration, Tambaram Taluk, Madipakkam and Village, measuring an extent of 2525 sq.ft., with adequate police protection of the second respondent, by considering the petitioner's online application along with survey fee E.Challan receipt No.20231021002455, dated 21.10.2023.

4. The main grievance of the petitioner is that even though the application has been made on 21.10.2023, till date the first respondent has not taken any action on the said application.

5. The learned Government Advocate appearing for the first respondent submitted that there is a joint patta in respect of the subject



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properties. The petitioner herein, who is one of the parties to the sale deed alone submitted the application for conducting the survey, but the other party/third respondent has not filed any application.

6. This Court, at this stage, is not expressing any view on the merits of the matter, as it is for the first respondent to consider and decide the same on merits and in accordance with law. Since the limited prayer sought for in this writ petition is for disposal of the application, this Writ Petition is disposed of, by directing the first respondent to conduct enquiry, after issuing fresh notice to the petitioner, third respondent herein, adjacent owners of the four boundaries of the subject properties and objectors/rival claimants/interested parties if any as the case may be. During the enquiry, if the first respondent finds any illegal obstructions, he has to approach the police authority and with the assistance of the police authorities, he has to conduct the survey and pass appropriate orders on merits and in accordance with law on the application of the petitioner dated 21.10.2023.



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All such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

10.01.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

- 1.The Thasildar,
Taluk Office, Sholinganallore Taluk,
Chengalpet District.
- 2.The Inspector of Police,
(Law & Order),
Madipakkam Police Station,
Chennai.

Pg.Nos.5/6



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P.VELMURUGAN, J.

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