



W.P.No.2901 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.2901 of 2020

and

W.M.P.No. 3357 of 2020

M. Chinnu

...Petitioner

-Vs-

1. The Tahsildar, Sholinganallur Taluk,
No. 1, Rajiv Gandhi Salai, 1st Cross Street,
Sholinganallur,
Chennai – 600 119.

2. R. Elangovan

3. Venkatesan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, to the first respondent, the Tahsildar, Sholinganallur Taluk, to take appropriate steps on the application made by the Petitioner on 09.08.2019 and measure the lands situated at Pallikaranai Village, comprised in patta number 15474 and in Survey field Numbers 4/3A1A1A1, 4/2B2, 4/1A2B and 4/1A1B1, measuring a total extent of 13995 square feet and fix the boundaries for the same.

For Petitioner : M/s. Ganesh and Ganesh



WEB COPY



W.P.No.2901 of 2020

For R1 : Mr.K.Suresh
Government Advocate

For R2 & R3 : Steps due

ORDER

This writ petition is filed seeking for issuance of Mandamus to direct the first respondent, the Tahsildar, Sholinganallur Taluk, to take appropriate steps on the application made by the Petitioner on 09.08.2019 and measure the lands situated at Pallikaranai Village, comprised in patta number 15474 and in Survey field Numbers 4/3A1A1A1, 4/2B2, 4/1A2B and 4/1A1B1, measuring a total extent of 13995 square feet and fix the boundaries for the same.

2. The case of the petitioner is as follows:-

2.1 The petitioner is the absolute owner of the land situated at Pallikaranai Village, New Survey field Nos. 4/3A1A1A1, 4/2B2, 4/1A2B and 4/1A1B1 and its corresponding old Survey field numbers were 4/1, 4/4 and 2/6 measuring a total extent of 13995 square feet.

2.2 The petitioner purchased the aforesaid properties through a Deed of Sale dated 24.06.1988, registered as Document No. 2551 of 1988 in the office of the District Registrar of Madras South. Thereafter in addition to



W.P.No.2901 of 2020

the aforesaid property, the petitioner also purchases the property adjacent to the aforesaid land in favour of his wife namely Lalitha Chinnu, measuring an extent of 9696 square feet, comprised in Old Survey field Nos. 4/1, 4/4 and 2/6 in Pallikaranai Village. The property of Laitha Chinnu was purchased through a deed of sale dated 24.06.1988. The petitioner had been enjoying and possessing the same for the past 32 years and he is also paying the taxes. While being so, the second and third respondents claiming that they also had a right over the property purchased by the petitioner.

2.3 To clear the confusions, the petitioner made an application with the first respondent on 09.08.2019 to survey the property which was purchased by the petitioner and for also fixing the boundaries and also for which the first respondent issued a patta in favour of the petitioner. The requisite fees for measuring the said land have also been paid by the petitioner but the first respondent Tahsildar has not taken any steps till this date to measure the lands and to fix boundary. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. The learned counsel for the petitioner submitted that the second and third respondents have encroached his land and as put up unauthorised



W.P.No.2901 of 2020

constructions and that was also demolished by the authorities, pursuant to the order passed by this Court in W.P.No. 3745 of 2021 dated 16.10.2023.

4. The learned Government Advocate appearing for the first respondent has no objection for the said order being passed by this Court.

5. Heard both sides and perused the materials available on record.

6. In view of the above, the following order is passed by this Court:-

“The first respondent is directed to consider the application of the petitioner dated 09.08.2019 after giving due notice to both the parties, opportunity of personal hearing, take into consideration the relevant documents submitted by both parties, on merits, in accordance with law and pass appropriate orders by following above principles of natural justice within a period of eight weeks from the date of receipt of copy of this order.”

7. This writ petition is disposed of with above said direction. No costs. Consequently, connected miscellaneous petition is closed.



W.P.No.2901 of 2020

24.06.2024

nsi

Index: Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No

J.SATHYA NARAYANA PRASAD, J.

nsi

To

The Tahsildar, Sholinganallur Taluk,
No. 1, Rajiv Gandhi Salai, 1st Cross Street,
Sholinganallur,
Chennai – 600 119.

W.P.No.2901 of 2020



WEB COPY



W.P.No.2901 of 2020

24.06.2024