



WEB COPY

W.P. No.4996 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.4996 of 2024

M/s. Ashok Nandavanam Properties Pvt. Ltd.
Rep. by its authorized signatory Mr.Ramachandran
Having its office at
No.1/460, Mount Poondamallee Road
Iyyappanthangal, Chennai - 600 056

... Petitioner

Vs.

1. The District Revenue Officer
Kancheepuram District, Kancheepuram
2. The Revenue Divisional Officer
Sriperumbudur Division
Kancheepuram District
3. The Tahsildar
Kundrathur Taluk, Kundrathur
4. The Inspector of Police
T-13 Police Station
Kundrathur
5. The Town Surveyor
Kundrathur Taluk
Kundrathur
6. The Village Administrative Officer
Kundrathur Taluk
Kundrathur



7. R.Sivakumar
8. R.Udaykumar
9. Murugesan Mudaliar
10.Vijaykumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent herein to conduct survey in respect of the lands comprised in Survey Nos.261, 262, 264, 265, 270, 273/1, 273/2A, 273/2B, 273/3, 274, 275/1, 275/2, 276/1, 276/2, 279/1, 279/2 and 279/6 of Tharapakkam Village, Kundrathur Taluk, Kancheepuram District and to fix the boundaries as per the title documents and revenue records with aid of necessary police protection during the survey within the time to be stipulated by this Court based on the petitioner application dated 21.08.2023.

For Petitioner : Mr.V.Ayyapparaja

For R1 to R3 and
R5 and R6 : Mr.T.Arun Kumar
Additional Government Pleader

For R4 : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 3rd respondent herein to conduct survey in respect of the lands comprised in Survey Nos.261, 262, 264, 265, 270, 273/1, 273/2A, 273/2B, 273/3, 274, 275/1, 275/2, 276/1, 276/2, 279/1, 279/2 and 279/6 of Tharapakkam Village, Kundrathur Taluk, Kancheepuram District and to fix



the boundaries as per the title documents and revenue records with aid of necessary police protection during the survey within the time to be stipulated by this Court based on the petitioner application dated 21.08.2023.

2. The contention of the learned counsel for the petitioner is that the petitioner/Company made an application before the 3rd respondent to survey the land and fix the boundaries and they also paid necessary fee through E-Challan on 21.08.2023. Thereafter, the revenue officials conducted enquiry and attempted to survey the petitioner's land twice on 21.11.2023 and 06.01.2024. However, since the private respondents herein obstructed the officials from discharging their duty, they could not complete the survey. Subsequently, the petitioner made a representation on 08.01.2024 to survey the land with necessary police protection. However, the respondents failed to act upon. Hence, the present Writ Petition is filed.

3. Mr.T.Arun Kumar, learned Additional Government Pleader takes notice for the respondents 1 to 3 and 5 to 6. Mr.S.Sugendran, learned Additional Public Prosecutor takes notice for the 4th respondent. Since no adverse order is being passed against the private respondents, notice to the private respondents/respondents 7 to 10 is dispensed with.



4. The 4th respondent/Police is nothing to do with the survey to be conducted by the 3rd respondent. Therefore, this Writ Petition is dismissed as against the 4th respondent/police.

5. Having regard to the submissions made by the learned counsel on either side and since this Writ Petition is filed seeking a simple writ of mandamus to consider the petitioner's application for surveying the land, this Court without expressing any opinion with regard to the merits of the case, directs the 3rd respondent to consider the petitioner's application dated 21.08.2023 and issue notice to the petitioner, the respondents 7 to 10 herein, the adjacent land owners of the four boundaries of the subject property and also to the rival claimants/interested parties/objectors if any, as the case may be and conduct enquiry in the manner known to law if already not conducted. After enquiry, if the 3rd respondent finds that the petitioner/Company is otherwise eligible/entitled, conduct survey with the help of R5 and R6 herein and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that in case any of the adjacent land owners/rival claimants made objection without any substance, it is for the 3rd respondent to seek assistance of the Police.



6. With the above directions, this Writ Petition is disposed of at the admission stage itself insofar as the respondents 1 to 3 and 5 to 10 are concerned.

7. The Writ Petition is dismissed as stated above as against the 4th respondent/police.

8. There shall be no order as to costs.

28.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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P.VELMURUGAN. J.

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