



W.P. No.7354 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.7354 of 2024 and
W.M.P. No.8249 of 2024

G.Fathima Mary

... Petitioner

Vs.

1. The Joint Director
Commissionerate of Survey and Settlement
Survey and Land Records Department
Survey House, Chepauk
Chennai - 600 005
2. The District Collector, Chennai District
Office of the District Collector
No.62, Rajaji Salai
4th Floor, Chennai - 600 001
3. The Tahsildar, Permbur Taluk
Chennai District
Office of the Tahsildar of Perambur
No.3, Perambur High Road
Perambur, chennai - 600 011



W.P. No.7354 of 2024

4. The Inspector of Police

Law and Order

P3, Vyasarpadi Police Station

Erukkencheri High Road, Main Road

Vyasarpadi, Chennai - 600 039

5. G.Jayakumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to act upon the application of the petitioner dated 11.10.2023 to survey and measure the boundaries of the land which is situated at Old Door No.13/14, New Door No.12/11, Stephenson Road, Vyasarpadi, Chennai - 600 039, part of Survey field numbers 505/2 and 505/6 in Perambur Village with the aid and protection of the 4th respondent and mark the boundaries of the same with boundary stones.

For Petitioner : Mr.K.Jayaraman
for M/s.Ganesh and Ganesh

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

For R4 : Mr.S.Sugendran
Additional Public Prosecutor



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W.P. No.7354 of 2024

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 3rd respondent to act upon the application of the petitioner dated 11.10.2023 to survey and measure the boundaries of the land which is situated at Old Door No.13/14, New Door No.12/11, Stephenson Road, Vyasarpadi, Chennai - 600 039, part of Survey field numbers 505/2 and 505/6 in Perambur Village with the aid and protection of the 4th respondent and mark the boundaries of the same with boundary stones.

2. The learned counsel for the petitioner submitted that it would suffice if a direction is issued to the 3rd respondent to consider the petitioner's application dated 11.10.2023 within the time as may be fixed by this Court.

3. Mr.T.Arun Kumar, learned Additional Government Pleader takes notice for the respondents 1 to 3. Mr.S.Sugendran, learned Additional Public Prosecutor takes notice for the 4th respondent. Since no adverse



W.P. No.7354 of 2024

order is being passed against the 5th respondent, notice to the 5th respondent is dispensed with.

4. Since the 4th respondent/Police has no role in this Writ Petition, this Writ Petition is dismissed insofar as the 4th respondent/Police is concerned.

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 survey 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 11.10.2023 and issue notice to the petitioner, the 5th respondent herein, adjacent land owners of the four boundaries of the subject property, interested parties/rival claimants/objectors/aggrieved parties if any, as the case may be and conduct enquiry in the manner known to law if already not conducted and pass orders on merits and in accordance with law, if already not passed orders. After conducting enquiry, if the 3rd respondent comes to the



W.P. No.7354 of 2024

conclusion that the petitioner is otherwise entitled/eligible and there is no

other legal impediment, conduct survey in the subject land. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

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 are concerned.

7. As stated above, this Writ Petition is dismissed insofar as the 4th respondent/Police is concerned.

8. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

21.03.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



W.P. No.7354 of 2024

To

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W.P. No.7354 of 2024

P.VELMURUGAN. J.

Ksa-2

W.P. No.7354 of 2024

21.03.2024