



W.P.No.7896 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.7896 of 2024

Suresh Balchand Nichani

... Petitioner

versus

1.The Collector,
Chennai Collectorate,
Singaravelar Malligai,
Chennai – 600 001.

2.The Tahsildar,
Ambattur Taluk,
Chennai –600 053.

3.V.Ganesan

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to survey the property comprised in S.No.1172/2, T.S. No.24/2, Ward -E, Block No.80 of Korattur Village, Ambattur Taluk, Chennai District, measuring 2400 Sq.ft.

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For Petitioner : Mr.J.Suresh

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 and R2

ORDER

Mr.A.Selvendran, learned Special Government Pleader accepts notice for respondents 1 and 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.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the second respondent to survey the property comprised in S.No.1172/2, T.S. No.24/2, Ward -E, Block No.80 of Korattur Village, Ambattur Taluk, Chennai District, measuring an extent of 2400 sq.ft.

3. The case of the petitioner is that he is the one of the absolute



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owners of the subject property and Patta in respect of the said property stands in the name of the petitioner and two others viz., Poonam Kamal Jadwani and Prakesh B Nichani. That being so, the third respondent herein, who is the adjacent owner of the petitioner's property made an illegal attempt to encroach the petitioner's property and hence, the petitioner has given a complaint to the Inspector of Police, Korattur Police Station (T3), Korattur. Subsequently, the petitioner gave a representation dated 04.01.2024 to the second respondent to survey the subject property. Though the third respondent herein caused obstructions to survey the said property, the petitioner filed a writ petition in W.P.No.1427 of 2024 before this Court seeking to provide police protection to survey the subject property. This Court, by an order dated 23.01.2024 disposed of the case. Thus, the petitioner has approached the Inspector of Police, on several times, to provide police protection, but they have instructed the petitioner to approach the second respondent to fix the date for survey of the land and that they will



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provide police protection. Thereafter, the petitioner approached the second respondent to fix a date for survey the land, but the second respondent has not taken any action to survey the subject property so far. Hence, the petitioner is constrained to file the present writ petition.

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

5. The grievance of the petitioner before this Court is that the second respondent has not conducted survey in respect of the subject lands so far. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the second respondent to consider and decide the same on merits and in accordance with law. Since the representation dated 04.01.2024 has not yet been considered, the second respondent is directed to consider the same and conduct the survey in respect of the subject property, after giving notice to the petitioner and the third



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respondent herein as well as interested parties/rival claimants/adjacent owners of four boundaries of the subject property/objectors/aggrieved parties if any, as the case may be. Such exercise shall be completed within the stipulated time as stated in Circular No.R1/2005632/2022, dated 17.07.2023 issued by the Commissioner of Land Administration.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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