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WP.No.10913 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.10913 of 2024

S.Rajalakshmi

.. Petitioner

Versus

1. The District Collector, Chennai Collectorate,
Singaravelar Maligai, Chennai – 600 001.
2. The District Revenue Officer, Chennai Collectorate,
Singaravelar Maligai, Chennai – 600 001.
3. The Commissioner of Police,
Vepery, Chennai – 600 007.
4. The Commissioner, Greater Chennai Corporation,
Rippon Building, Park Town, Chennai – 600 003.
5. The Assistant Commissioner of Police,
Ayanavaram Police Station, Ayanavaram, Chenna – 600 023.
6. The Tahsildar,
Ayanavaram Taluk, Chennai District.
7. The Inspector of Police, Ayanavaram Police Station,
Ayanavaram, Chenna – 600 023.
8. E.Selvakumar .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus to dispose of the representation dated



WP.No.10913 of 2024

10.02.2024 submitted to the respondent 6 to ear mark and to lay survey stones by the Taluk Authority in respect of the common passage and measuring an extent of 7 ft situated on the southern side of the property bearing No.268 First Floor, Palaniandavar Koil Street, Ayanavaram, Chenani – 600 023 and also to provide necessary protection by the 7th respondent to put up compound wall construction.

For Petitioner : Mr.L.Dhamodharan

For Respondents : Mr.P.Sathish
Additional Government Pleader – R1, 2, 6

Mr.S.Sugendran,
Additional Public Prosecutor – R3, 5 & 7

Mr.E.C.Ramesh – R4

Mr.S.Veeraraghavan – R8

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is filed to direct the respondent to dispose of the representation dated 10.02.2024 submitted to the sixth respondent to ear mark and to lay survey stones by the Taluk Authority in respect of the common



WP.No.10913 of 2024

passage ad measuring an extent of 7 ft situated on the southern side of the property bearing No.268, First Floor, Palaniandavar Koil Street, Ayanavaram, Chenani – 600 023 and also to provide necessary protection by the 7th respondent to put up compound wall construction.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1, 2, 6, learned Additional Public Prosecutor appearing for the respondents 3, 5 and 7 and the learned counsel appearing for the fourth and eighth respondents and perused the materials available on record.

4. It is the case of the petitioner that she is the co-owner of the subject property and originally the property has been allotted to the petitioner's father in a compromise decree recorded in an appeal in A.No.321/1990. The petitioner has become owner of the property by virtue of a settlement dated executed by her father in her favour. Her access to the property is on the southern side of the property with a passage admeasuring width of 7 ft. running from east to west in the southern extremity of the property. The eighth respondent, who is residing in the adjacent property, has put up construction protruding the common passage. The petitioner has made



WP.No.10913 of 2024

a representation for ear making the common passage as per the record maintained by them. Earlier, the petitioner filed a Writ Petition in W.P.No.3250 of 2020 and as per Order of this Court in the said Writ Petition dated 11.02.2020, the revenue authorities have surveyed and the ear marked passage as per the records maintained maintained by the them and laid survey stones. Now, the eight respondent is making objections. Therefore, the petitioner has given another representation seeking a direction to the respondent to survey the passage.

5. It is the contention of the learned counsel appearing for the eighth respondent that survey has already been done long back and survey stones have been laid. The petitioner has now removed the survey stones and trying to encroach upon the respondent's land.

6. It is the contention of the writ petitioner that only the eight respondent has removed the survey stones and encroached upon the land.

7. A perusal of the materials on record reveal that a suit is pending between the parties in O.S.No.1979 of 2023 before the learned VI Assistant City Civil Court, Chennai for bare injunction. The petitioner is insisting for



WP.No.10913 of 2024

survey of the passage alone. According to the learned counsel appearing for the eighth respondent, the petitioner has constructed in the entire area allotted to her. Therefore, it is his contention that survey of the entire area will resolve the dispute. The learned counsel appearing for the petitioner submitted that they have no objection for surveying the entire land.

8. In view of the above submissions, the sixth respondent is directed to consider the representation of the petitioner dated 10.02.2024 and to survey the land of the petitioner and the eighth respondent based on their original records and fix boundaries within a period of three months from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs.

01:07.2024

vrc

Index	:Yes/No
Internet	:Yes/No
Neutral Citation	: Yes/No



WP.No.10913 of 2024

To,

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WP.No.10913 of 2024

N. SATHISH KUMAR, J.

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W.P.No.10913 of 2024

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