



WEB COPY



WP.No.13124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.13124 of 2024
& WMP No.14271 & 14272 of 2024

1.K.Harikumar

2.K.Prabakaran

.. Petitioners

Versus

1.The Commissioner,
Commissionerate of survey and settlement,
Chepauk, Chennai-600 005.

2.The District Collector,
Thiruvallur.

3.The Assistant Director,
Land Survey and Settlement,
Thiruvallur,

4.The Tahsildar,
Poonamallee, Chennai-600 056.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing 3rd and 4th respondents herein to measure and place the boundary stone for Survey Nos. 246/2 246/3 and 246/4 of Kattupakkam Village, Poonamallee Taluk, Thiruvallur District, by taking into account the fact that the said survey numbers have



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not been acquired for the purposes of laying of the Mangadu road and drainage as is evident from the information received under the RTI Act dated 25.09.2023.

For Petitioner : Mrs.Dakshayini Reddy, S.C., for
Ms.S.Suneetha

For Respondents : Mr.P.Sathish,
Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the 3rd and 4th respondents herein to measure and place the boundary stone for Survey Nos.246/2 246/3 and 246/4 of Kattupakkam Village, Poonamallee Taluk, Thiruvallur District, by taking into account the fact that the said survey numbers have not been acquired for the purposes of laying of the Mangadu road and drainage as is evident from the information received under the RTI Act dated 25.09.2023.

2.It is the contention of the writ petitioner that patta has been issued in respect of 5125sq.m., in survey Nos.246/2, 246/3 and 246/4. The petitioner has also got an approval for construction of the building and residing there. In view of the orders passed by this Court in W.P.No.2406 of 2018 on 19.03.2024, now the authorities are taking steps to remove the petitioner on



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the ground that the petitioner has encroached survey No.246/1. Hence, the contention of the learned counsel for the petitioner is that without identifying the property with proper survey, the petitioner cannot be thrown out since the Division Bench of this Court has passed an order in the abovesaid writ petition directing the officials to initiate proceedings for removal of all encroachments in Survey No.246/1. It is the further contention of the learned counsel for the petitioner that the petitioner never encroached the land in survey No.246/1 whereas he is in possession of survey Nos.246/2, 246/3 and 246/4 in respect of which patta has already been granted by the authorities. Before taking any drastic action to enforce the order of this Court, the property of the petitioner has to be identified. Since issuance of patta to the petitioner for the survey Nos.246/2, 246/3 and 246/4 has not been disputed by the respondents, this Court is of the view that it is proper for the respondents to identify the property by appropriate measurement and find out whether actually the petitioner is in occupation of survey No.246/1, thereafter take a decision. The respondents are directed to conduct survey and if they find that there is an encroachment in the process of surveying the land of the petitioner, they shall take action as directed by the Division Bench.



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3. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions stand closed.

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

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N. SATHISH KUMAR, J.

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