



WEB COPY



W.P. No. 22664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE Ms. JUSTICE P.T.ASHA

**W.P. No. 22664 of 2024
and W.M.P. Nos. 24690, 24692 & 24693 of 2024**

1. R.Vanitha Bai
2. R.Poorvi Jain

... Petitioners

-VS-

1. The Assistant Director
District Land Survey
Thiruvallur.
2. The Tahsildar
Thiruvallur Taluk
Thiruvallur District.
3. The Project Director
National Highways Authority of India
Chennai/PIU-Chennai
5th Floor, CMRL Building
Poonamallee High Road
Koyambedu, Chennai-600017.
4. The Assistant Engineer
National Highways (716)
Jawaharlal Nehru Road
Thiruvallur.
5. The Competent Authority & Special DRO (LA)
National Highways – 716, Thiruvallur.
6. The Special Tahsildar (LA)
National Highways – 716, Thiruvallur.
7. EKK Infrastructure Ltd.



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No.20/21, 2nd Floor, Razack Garden Main Road
Arumbakkam, Chennai – 600106.

... Respondents

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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing 3rd, 4th, 5th, 6th & 7th respondents or their men and agents and others claiming through them from disturbing the peaceful possession of the petitioners of their patta lands situated in S.No. 12/4B2A measuring 3.16 cents (equivalent to 0.128 Ares) and S.No.12/4B2C measuring 17.28 cents (equivalent to 7 Ares) Perumalpattu Village, Thiruvallur Taluk, Thiruvallur District in Patta No.14887 and 14889 respectively, without following the due process of law.

For Petitioners : Mr.C.Vigneswaran

For Respondents : Mr.R.P.Murugan Raja, GA
(RR1, 2, 5 & 6)

Mr.Su.Srinivasan
Standing Counsel (R3)

Not ready in notice (R4)

R7-Served-No appearance

ORDER

This writ petition has been filed for the following relief:-

*“ forbearing 3rd, 4th, 5th, 6th & 7th respondents or their men
and agents and others claiming through them from disturbing
the peaceful possession of the petitioners of their patta lands*



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situated in S.No. 12/4B2A measuring 3.16 cents (equivalent to 0.1.28 Ares) and S.No.12/4B2C measuring 17.28 cents (equivalent to 7 Ares) Perumalpattu Village, Thiruvallur Taluk, Thiruvallur District in Patta No.14887 and 14889 respectively, without following the due process of law.”

2. The petitioners, who are mother and daughter, are represented by their Power Agent, who is none else than husband of the first petitioner and father of the second petitioner. They had got the properties, which are the subject matter of the present writ petition, under a Settlement-deed in the year 2021. In January 2024, the National Highways Department and its Contractors /Respondents 3 to 5, were making allegations that the compound wall of the petitioners has been constructed upon the Government land, which has been acquired for constructing the canal and road and directing the petitioners to demolish the same.

3. The petitioners issued two legal notices dated 06.04.2024 and 12.04.2024 and subsequent to the same, a meeting was conducted with the officials of the Highways Department and the contention of the petitioners that the compound wall was constructed in their patta land, was accepted by the above authorities.



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4. However, once again in June 2024, the Engineers of the fifth respondent made the very same allegations and threatened to demolish the compound wall and had also made marking for demolition in the building. The petitioners therefore made an application to respondents 1 and 2 to survey the patta land of the petitioners to ascertain the correct boundaries.

5. Pursuant to the same, one Mr.Rajasekar, a Survey Inspector had on 13.07.2024 conducted the Survey and submitted the F-Line Survey Report on 22.07.2024 in which they had confirmed the measurements and boundaries of the petitioners patta land and the measurement and boundaries as shown in the F-Line Survey Map are same and there is no discrepancies as per the Settlement-deed under which they had acquired the title to the properties. However, after the survey on 30.07.2024, during the absence of the petitioners from the premises, the respondents have demolished compound wall of the petitioners in utter violation of the principal of natural justice and without following the due process of law.

6. Today when the matter came up for admission, the respondents submitted that once again the lands should be surveyed and the petitioners property and



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the property that has been acquired by the NHAI should be demarcated and boundary stones laid.

7. The learned counsel for the petitioners would represent that in case any portion of the land belonging to the NHAI falls within the compound of the petitioners during the survey, the same can be taken over by the NHAI.

8. The writ petition is therefore disposed of with the direction to the jurisdictional Tahsildar to survey and demarcate the property with the help of the Surveyor in the presence of the petitioners as well as the responsible Officers of the respondents. Consequently, connected Miscellaneous Petitions are closed. No costs.

14.11.2024

Index: Yes/No
NCC: Yes/No
Maya

P.T.ASHA, J.

Maya



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To

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