



WEB COPY



W.P.No.28431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.28431 of 2024

B.Shirley

.... Petitioner

Vs

1.The State rep by
The Commissioner,
Tambaram City Municipal Corporation,
No.28 Muthu Rangam Street,
West Tambaram,
Chennai 45.

2.The Town Surveyor
O/o.The Tahsildhar,
Ward-E, Tambaram,
Tambaram Taluk,
Chengalpat District.

3.T.Vignesh Natraj

.... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, direct the 1st respondent to survey the plot No.5/A3 Melandai 2nd cross street, West Tambaram, Chennai-45 which is an extent of 1,405 sq.ft. of land bearing plot no. A3 comprised in Survey No. 124/3C, 124/3D, 124/3E, Ward No. D, Block No. 28 in TS No. 32 and 33 old survey 124/3C 124/3D, 124/3E bounded



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on the North by vacant land south by 20ft Road, East by Plot No.A2, West by Plot No.A1 measuring on the North by 24'3 South by 24ft, East by 57 ft, West by 59'6.

For Petitioner : Ms.G.Selvi George

For R2 : Mr.V.Manoharan
Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction, directing the respondents to survey the petitioner's plot No.5/A3, Melandai 2nd Cross Street, West Tambaram, Chennai 45, which is an extent of 1405 sq.ft. of land bearing plot No. A3 comprised in Survey No. 124/3C, 124/3D, 124/3E, Ward No. D, Block No. 28 in TS No. 32 & 33 old survey 124/3C 124/3D, 124/3E bounded on the North by vacant land South by 20 feet Road, East by Plot No.A2, West by Plot No.A1 measuring on the North by 24'3 South by 24 feet, East by 57 feet, West by 59'6 .

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent and perused the materials available on record.



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3. The petitioner and her husband jointly purchased a plot No.A3, comprised in Survey Nos.124/3C, 124/3D, 124/3E, Ward No.D, Block No.28 in TS No.32 & 33 (old Survey Nos.124/3C, 124/3D, 124/3E). The plot is bounded on North by vacant land, on the South by a 20 feet road, on the East by Plot No.A2 and on the West by Plot No.A1 admeasuring on the North by 24'3, South by 24 feet East by 57 feet and West by 59'6. The plot was purchased from one T.V.Om Prakash for a valid sale consideration and the sale was registered vide Document No.3671 of 2020 dated 28.08.2020. Subsequently, the petitioner obtained sanction and constructed a house and she is residing there. While being so, the third respondent, being a neighbour, is in possession and enjoyment of Plot No.5/A4, 2nd Cross, Melandai Street, West Tambaram, Chennai and constructed a house and residing there.

4. According to the petitioner, the third respondent, without leaving any space as required under the plan, constructed a house, thereby obstructing the free air flow of the petitioner's house. Therefore, the petitioner lodged a complaint and also made a request to survey her plot.



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5. That apart, there is a dispute between the petitioner and the third respondent in respect of their boundaries. In fact, the wife of the third respondent lodged a complaint as against the petitioner's husband and the same was registered in Crime No.374 of 2023 for the offences under Sections 294(b) and 323 of IPC on the file of the Inspector of Police, Tambaram Police Station, which is pending for investigation.

6. In view of the above, on payment of requisite fees paid by the petitioner, the second respondent is directed to survey the petitioner's property, after issuance of notice to the third respondent, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To
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