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W.P.No.32792 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.32792 of 2024

Saraswathi

...Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
1st Floor, Collectorate,
Thiruvallur- 602001

2.The Thasildar
Madhavaram Taluk,
Chennai- 600 060.

3.The Surveyor,
Madhavaram Taluk,
Chennai-600060

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 3rd respondent to survey lands situated in Old Survey No.129, measuring an extent of 1200 sq. ft in Madhavaram Taluk, Chennai District and also by considering the



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representation date 28.08.2024 given to the respondent No.1.

For Petitioner : Mr.J.Peer Mohammed

For Respondents : Mr.A.Selvendran

Special Government Pleader
for R1 to R3

ORDER

Seeking a mandamus to the respondents to survey lands situated in Old Survey No.129, measuring an extent of 1200 sq. ft in Madhavaram Taluk, Chennai District and also by considering the representation date 28.08.2024 given to the respondent No.1. The petitioner before this Court.

2.The case of the petitioner is that the petitioner purchased an extent of 1200 sq.ft. plot of land (Plot No. 129) in Sri Athinath Bhagavan Garden, Puzhal Village, through a Sale Deed in 1999. The land had been previously bought by the sellers from Bay Kamar B. Jain. In July 2016, when the petitioner sought an Encumbrance Certificate, it revealed that the property had been wrongly sold to another party, K. Manoharan, constraining the petitioner to file a Declaration suit (O.S.No.39/2017). The court ruled in favour of the petitioner, confirming ownership. However, when attempting to register the



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judgment, the petitioner discovered that the Encumbrance Certificate incorrectly listed the land in Kumanor Village instead of Puzhal Village, causing difficulty in identifying the property. The petitioner then requested a survey of the land and paid the necessary fees in July 2024, but despite repeated representations, no action has been taken by the authorities to rectify the issue.

3.Heard the learned counsel on either side.

4.Considering the request of the petitioner and also the fact that the petitioner has made his representation as early as on 29.05.2023, and the petitioner has a decree of a Civil Court in his favour a mandamus is issued to the respondents to conduct survey and subdivision of the petition mentioned property. The petitioner shall submit all the relevant records to show his title to the property and the respondents shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The



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aforesaid exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is allowed. No costs.

07.11.2024

vsn

To

1. The District Collector,
O/o. The District Collector,
1st Floor, Collectorate,
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2. The Thasildar
Madhavaram Taluk,
Chennai- 600 060.
3. The Surveyor,
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P.T. ASHA, J.

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