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W.P.No.29652 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.29652 of 2024  
and  
W.M.P.No.32299 of 2024

Tmt.Lakshmi Laser Maria Susai,  
Represented by her power holder,  
Tmt.G.Sri Valli.

... Petitioner

Vs.

1. The Tashildar,  
Chenglepet,  
Chenglepet-“District”.

2. The Head Surveyor,  
Office of the Tashildar,  
Chenglepet,  
Chenglepet-“District”.

3. The Surveyor,  
Office of the Tashildar,  
Chenglepet,  
Chenglepet-“District”.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records passed by the 3<sup>rd</sup> Respondent herein in his proceedings No.nil dated 09.09.2024 and to “Quash” the same comprising in S.Nos.487/1, 487/2, 487/3, 487/4, 487/5,



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488/1, 488/2, 488/3, 488/4 and 488/5, Patta No.1532 in Senkundram-“Village”, Chengalpat – District confining boundaries of our land, total to an extent of 9 Acres and 0.46 Cents in accordance with the Survey & Boundaries Act.

For Petitioner : Mr.M.Arumugam

For Respondents : Mr.A.Selvendran  
Special Government Pleader

### **ORDER**

This writ petition has been filed seeking to challenge the order passed by the 3<sup>rd</sup> respondent in his proceedings dated 09.09.2024 in respect of the properties comprised in S.Nos.487/1, 487/2, 487/3, 487/4, 487/5, 488/1, 488/2, 488/3, 488/4 and 488/5, Patta No.1532 in Senkundram-“Village”, Chengalpat – District and to measure the said properties totally measuring an extent of 9 Acres and 0.46 Cents.

2. It is the case of the writ petitioner represented by her power agent that the properties in question were the properties belonging to her as well as her husband. Neither the writ petitioner nor her husband or the legal heirs sold the properties to any third party. The writ petitioner holds the title to the said properties and enjoying the same through her power agent.



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3. Since the writ petitioner was residing at Mumbai with her family and was not in a position to maintain the properties in question, she had executed the general power of attorney on 18.11.2022 registered at the Office of the Joint Sub-Registrar, Mumbai City for the maintenance of the immovable properties in favour of the power holder namely Tmt.G.Sri Valli, the deponent of the affidavit.

4. Till the year 1980, the petitioner was cultivating the land and after her migration to Mumbai, the agricultural activities were carried out with the help of coolies. Now the agricultural activities are not being conducted owing to the age of the petitioner.

5. It is the case of the Petitioner that a document writer by name T.Venkatathri son of Srinivasan residing in Chinthathiripettai, Chennai had come to know that the principal was not living in the said village and taking advantage of her absence a fraudulent power of attorney were created by impersonating some other person as the writ petitioner. On the basis of this fraudulent power of attorney, the properties have been converted into plots and thereafter sold to the third parties.



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6. Immediately on coming to know about the fraudulent transaction, a complaint dated 22.02.2013 was lodged by the petitioner's power agent. The District Registrar, Central Chennai, Royapettah was not inclined to enquire into the complaint since the said T.Venkatathri being a document writer had a lot of clout in the Registrar's Office. The petitioner had filed W.P.No.2226 of 2023 and this Court had directed the petitioner to approach the Civil Court. Thereafter, the Suit in O.S.No.90 of 2024 has been filed and the same is pending on the file of the District Munsif, Chengalpattu.

7. Meanwhile, the petitioner had approached the 1<sup>st</sup> respondent for measuring the total extent of 9 Acres and 0.46 Cents in respect of S.Nos.487/1, 487/2, 487/3, 487/4, 487/5, 488/1, 488/2, 488/3, 488/4 and 488/5, Patta No.1532 in Senkundram-“Village”, Chengalpat and to demarcate the boundaries. Necessary payments had been made on 11.07.2024, however the said request was rejected only on the ground that there was a hoarding in the place in the name and style of “Lakshmi Nagar” and “Poombukar Nagar” and a Patta had also been issued in favour of some other persons.



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8. That apart, it was also stated that the petitioner had not produced the documents which the petitioner denies. Aggrieved by the same, the petitioner is before this Court.

9. Heard the learned counsel for the petitioner and the learned special government pleader for the respondents and perused the materials available on record.

10. The petitioner seeks to survey the land for the purpose of demarcating the boundaries as the same is a subject matter of the Suit in O.S.No.90 of 2024.

11. The rejection on the ground that there is a hoarding in the place alone cannot be a ground for not surveying or demarcating the properties particularly when document had been produced to show the petitioner's title to the property. It is needless to state that during the survey if any objection is



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raised and if such objection is valid, it shall be considered by the 1<sup>st</sup> respondent and only then the survey shall be stopped. However, the 1<sup>st</sup> respondent shall pass a speaking order for not proceeding with this survey and demarcation. On the other hand, if there is no objection then survey shall be conducted.

12. The writ petition is therefore allowed by directing the 1<sup>st</sup> respondent to conduct a re-survey and to demarcate the properties comprised in S.Nos.487/1, 487/2, 487/3, 487/4, 487/5, 488/1, 488/2, 488/3, 488/4 and 488/5, Patta No.1532 in Senkundram-“Village” and conclude the same within a period of six (6) weeks from the date of receipt of a copy of this order. No cost. Consequently, connected miscellaneous petition is closed.

**24.11.2024**

Index : Yes/No  
Speaking/Non-speaking Order  
Neutral Citation :Yes/No  
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**P.T.ASHA, J.**

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