



W.P.No.35928 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.35928 of 2024

and

W.M.P.No.38813 of 2024

in

W.P.No.35928 of 2024

V.Madhavan
S/o.Vadivel

... Petitioner

Vs.

1. The District Collector
Kancheepuram District Collector Office
Kancheepuram District.
2. The Tahsildar
Kundrathur Taluk Office
Kundrathur
Kancheepuram District.
3. The Taluk Head Surveyor
Sriperumbudur Taluk
Kancheepuram District.



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4. M/s.Preethi Properties and
Development Ahmedabad LLP
Corporate Office at
New No.4/13, 6th Cross Street
1st Main Road
Karpagam Garden,
Adyar, Chennai-600 020.

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 3 to survey the total extent of the property in Survey No.85 and sub division Nos.1, 2 and 3 in the presence of both the parties with correct FMB sketch and revoke the inter change the sub division Nos.1 and 2 and remove the encroachment made by the 4th respondent in the stream and car track to the Agricultural land on the basis of the petitioner's representation dated 12.08.2024.

For Petitioner	:	Mr.N.Srinivasan
For Respondents	:	Mr.T.K.Sarvanan
		Government Advocate for R1 to R3



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ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed with a mandamus prayer seeking a mandamus to R1 to R3 to survey 'lands comprised in S.No.85/2 admeasuring 0.52 cents or thereabouts in Sirumathur Village, Kunrathur Taluk, Kancheepuram District' {hereinafter 'said lands' for the sake of convenience and clarity}.

2. Mr.N.Srinivasan, learned counsel on record for writ petitioner submits that a representation dated 12.08.2024 has been sent but there is complete inaction.

3. Issue notice to official respondents i.e., R1 to R3

4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R3.

5. Mr.T.K.Saravanan, learned State Counsel, on instructions submits that respondents would conduct a survey and if any encroachment is found qua said lands, action would be initiated in accordance with law after show causing the alleged encroachers on notice.



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6. This protects and preserves the rights of R4 (private respondent).

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7. Therefore, with the consent of learned counsel on both sides, main WP was taken up in the Admission Board itself.

8. Considering the facts and circumstances of the case, it will suffice to record the stated position of learned State Counsel and also to write that all rights and contentions of R4 (private respondent) and other encroachers (if any) will stand preserved, if the State finds any encroachment and initiates proceedings against encroachers including R4 (private respondent).

Captioned WP is disposed of. Consequently, captioned Writ Miscellaneous Petition is also disposed of as closed.

(M.S.,J.)

(K.R.S.,J.)

02.12.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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