



W.P.No.36545 of 2024

Chennai.

... Respondents

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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus

- i. to call for the records relating to the impugned order passed by the first respondent herein in his proceedings procs.No.A1/1047/2023 dated 28.06.2023 and 20.09.2024 and quash the same and consequently direct the respondents herein to measure the property measuring to an extent of 25200 Square Feet in Town Survey No.7618/1/block No.119 Muthureddy Thottam, New Door No.5, Old Door No.3, Ramachandra Street, T.Nagar, Chennai – 17, Guindy Mambalam Taluk by earmarking the four boundaries with the assistance of the 5th respondent police within a time-frame as deem fit and proper by this Hon'ble Court.
- ii. To grant such further or other relief as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.L.K.Charles Alexander

For R1 to R3 : Mr.P.Sathish
Additional Government Pleader

For R5 : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)



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ORDER

Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the Respondents 1 to 3. Mr.R.Vinoth Raja, learned Government Advocate (Crl.Side) takes notice on behalf of the 5th Respondent.

2. The above Writ Petition has been filed challenging the Order passed by the 1st Respondent dated 28.06.2023 and 20.09.2024 and consequently direct the Respondents to measure the subject property and to ear mark the four boundaries.

3. A brief facts of the case are as follows:-

The Petitioner would submit that he had purchased the subject property under three (3) registered Sale Deeds dated 27.05.2005, 26.10.2005 and 02.04.2007. The said property was encroached by the 4th Respondent and the Petitioner had filed an eviction suit in O.S.No.6231 of 2010 before the XVII Additional City Civil Court Chennai. The property that the Petitioner has purchased is measuring to a total extent of 25200 sq.ft. The Petitioner



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had filed an application in I.A.No.11947 of 2010 for disconnecting the sewerage and water connection to the 4th Respondent and the same was allowed on 06.01.2011. Similarly, the 4th Respondent has preferred C.M.A.No.48 of 2011 which was dismissed by an Order dated 23.07.2011. Challenging the same, the 4th Respondent had filed C.R.P.(NPD).No.1604 of 2012 before this Court and on 11.01.2013. The revision was dismissed and the SLP preferred by the 4th Respondent to the Hon'ble Supreme Court was dismissed. Thereafter on 09.11.2022, the Petitioner had sent a representation to the 3rd Respondent to survey the property since the 3rd Respondent had not proceeded to survey the same. The Petitioner had preferred W.P.No.7928 of 2023 seeking a direction to the Respondents 2 and 3 to survey the property. The said petition was allowed and the Respondents 2 and 3 were directed to consider the representation and survey the property and file a Final Report within a period of four (4) weeks. Thereafter, the 2nd Respondent has sent a proceeding stating that they cannot survey the property of the Petitioner on 28.06.2023. The Petitioner had preferred a Contempt Petition in Cont.P.No.2080 of 2024 to punish the Respondents 2 and 3 disobeying the orders of this Court. The Contempt Petition was disposed of giving liberty to the Petitioner to challenge the proceedings of the Respondents 2 and 3 and



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the Petitioner is therefore, before this Court. The Petitioner would submit that in the Impugned Order, the 2nd Respondent has quoted Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923, despite which ultimately the 2nd Respondent has stated that the survey cannot be undertaken as the boundaries of the lands could not be identified by the Petitioners.

4. Heard the learned counsel on either sides.

5. The reasons for the rejection is that the property has not been described within specified boundaries. A perusal of the plaint filed by the Petitioner in O.S.No.6231 of 2010 on the file of the XVII Additional City Civil Court, Chennai clearly shows that the property in question has been described within the boundaries in the schedule to the plaint and the plan has also been annexed to the plaint which delineate the property belonging to the Petitioner. That being the case, the contention of the 2nd Respondent that the four (4) boundaries of the property has not been provided and therefore, the survey could not be carried out cannot be countenanced.

6. Therefore, the Writ Petition is allowed. Accordingly, the Impugned Order is set aside and the matter is remitted back to the 2nd Respondent to



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conduct a survey of the Petitioner's property described in the schedule to the
plaint in suit in O.S.No.6231 of 2010. The 2nd Respondent shall issue

notice to the other owners as well and if there is any issue, the jurisdictional
police shall give police protection to the Revenue Officials as and when
demanded by them. The said exercise shall be completed within a period of
four (4) months from the date of receipt of a copy of this Order. No costs.
Consequently, connected Miscellaneous Petition is closed.

10.12.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
rgm



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To

1. The Collector,
Chennai District.
2. The Tahsildar,
Mambalam Guindy Taluk,
Chennai District.
3. The Heady Surveyor,
Office of the Tahsildar,
Mambalam Guindy Taluk,
Chennai District.
4. The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.



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P.T.ASHA, J.

rgm

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and
W.M.P.No.39399 of 2024

10.12.2024