



WP.No.35200 of 2024

In the High Court of Judicature at Madras

Dated : 28.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35200 of 2024

Mrs.P.Thilagavathy

Vs

...Petitioner

1.The Tahsildar, Sholinganallur
Taluk, Office of the Tahsildar,
No.1, I Cross Street,
New Kumaran Nagar,
Sholinganallur, Chennai-119.

2.The Head Surveyor,
Sholinganallur Taluk,
Office of the Tahsildar,
No.1, I Cross Street,
New Kumaran Nagar,
Sholinganallur, Chennai-119.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the application dated 06.9.2024 and to measure and demarcate the boundaries of the petitioner's land in Survey No.57/1B, Sholinganallur Taluk, Jaladianpet Village within the time stipulated by this Court.

For Petitioner : Mr.Adinarayanarao



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For Respondents : Mr.R.P.Murugan Raja, GA

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ORDER

Seeking a Mandamus to the respondents to consider the application dated 06.9.2024 for measuring and demarcating the boundaries of the petitioner's land in Survey No.57/1B, Jaladianpet Village, Sholinganallur Taluk, Chennai District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the respondents.

3. The petitioner would contend that she acquired the said property measuring 1 acre 18 cents by way of a sale deed dated 18.11.2010 registered as doc.No.8642 of 2010 on the file of the Joint Sub-Registrar No.1, Chennai South. The petitioner also got patta in her favour. The petitioner also constructed a house property in the subject property. The petitioner had access to her property through a pathway, in which, a corporation park had emerged subsequently. In the same year namely 2010, one M/s.Selene Estate Ltd. approached the petitioner to part with her land, for which, the petitioner was not agreeable.



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4. During 2013-14, the said M/s.Selene Estates Ltd. constructed a compound wall and obstructed access to her property claiming that the lands measuring acre 1 36 cents bearing S.Nos.63/1 part, 63/2A part, 63/2B part and 68/1A, Jaladianpet Village were gifted by them to the Chennai Metropolitan Development Authority under a gift deed dated 02.3.2010 registered as doc.No.1351 of 2010 on the file of the said sub-Registrar as a mandatory pre-condition for obtaining approval to construct a multi-storeyed building.

5. Thereafter, for some time, the petitioner was not able to visit the subject property. However, when she visited it during January 2022, to her shock and surprise, she found that a new building has been constructed thereby denying access to her property. When the petitioner approached the Corporation of Chennai for access, it was rejected. Hence, she filed W.P.No.8514 of 2023 and the same is pending. Thereafter, the petitioner made an online application on 06.9.2024 to the first respondent to conduct a survey and demarcate the boundaries. Despite the fact that the application was received on 06.9.2024, the first respondent has not taken any steps to survey the land.

6. The fact that the property belongs to the petitioner is seen



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from the narration in the affidavit filed in support of the writ petition.

Since the petitioner acquired the subject property by way of a sale deed, she requested the first respondent to conduct a survey and demarcate the boundaries.

7. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the first respondent to conduct survey of the subject property. The petitioner shall submit all the relevant records to show her title to the subject property and the first respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, pass orders either surveying the subject property and demarcating the boundaries or rejecting the request. The survey shall be made as per the documents of title of the petitioner and the revenue records. In case the measurements in the documents of title and the revenue records differ, both measurements shall be set out. In the case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

28.11.2024

RS



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P.T.ASHA,J

RS

To

- 1.The Tahsildar, Sholinganallur
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Kumaran Nagar, Sholinganallur,
Chennai-119.
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