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WP.No.36577 of 2024

In the High Court of Judicature at Madras

Dated : 02.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36577 of 2024 &
WMP.No.39439 of 2024

- 1.Tmt.M.Rajeswari
- 2.Tmt.M.Vijayalakshmi
- 3.Tmt.U.Bhuvaneswari

rep.by their power agent
Mr.M.Kumar

...Petitioners

Vs

- 1.The District Collector,
Thiruvallur, Thiruvallur District.
- 2.The Revenue Divisional Officer,
Old Court Campus, Thiruvallur
District.
- 3.The Tahsildar, Avadi Taluk Office,
Pattabiram, Chennai-54.
- 4.The Surveyor, Avadi Taluk Office,
Pattabiram, Chennai-54.
- 5.The Inspector of Police, T-7
Tank Factory Police Station,
HVF Tank Road, New Vellanur,
Avadi, Chennai-54.

6.Mrs.V.Manjula

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus directing the first respondent



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to direct the 2nd, the 3rd and the 4th respondents to pass an order based on the representation dated 13.11.2024 to survey land by metes and bounds measuring about an extent of 1,628 sq.ft. of the petitioner's property comprised in survey No.91, Raj Nagar, Pothur Village, Avadi Taluk, Thiruvallur District by considering the petitioner's representation within a time frame that may be fixed by this Court and to direct the fifth respondent to give adequate police protection to the petitioner from the sixth respondent on the day of surveying the petitioner's property.

For Petitioners : Mr.R.Naresh Kumar
For R1 to R4 : Mr.A.Selvendran, SGP
For R5 : Mr.R.Vinoth Raja, GA (Crl.Side)

ORDER

Seeking a direction to third respondent to conduct a survey in respect of the property measuring an extent of 1,628 sq.ft. in S.No.91/1, Raj Nagar, Pothur Village, Avadi Taluk, Tiruvallur District with the aid of the fifth respondent, the power agent of the petitioners is before this Court.

2. Heard the learned counsel for the petitioners, the learned Special Government Pleader accepting notice for respondents 1 to 4 and the learned Government Advocate (Crl.Side) accepting notice for the fifth respondent.



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3. The power agent of the petitioners has sworn to the affidavit filed in support of the above writ petition wherein he stated that he acquired the said property from the first petitioner. He paid the entire land value to her and instead of registering the conveyance as the sale deed, he obtained a power of attorney deed from her for the said property and for some other properties also from the 2nd and the 3rd petitioners. The said power of attorney document dated 12.10.2020 was registered as doc.No.8117 of 2020 on the file of the Sub-Registrar, Redhills and is still in force. From then onwards, he is in possession and enjoyment of the said property.

4. When the power agent visited the said property, he came to understand that there has been some reduction in the extent when compared to what was actually acquired. He made an online application on 13.11.2024 to the third respondent seeking to conduct a survey in respect of the said property. He also paid necessary fees. He sent a representation dated 13.11.2024 to the respondents for the said purpose, if required, with the assistance of the fifth respondent. As it did not evoke any response, the power agent is before this Court.

5. Considering the limited nature of the relief sought, the writ



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petition is allowed and a Mandamus is issued to the third respondent consider the online application of the power agent of the petitioners dated 13.11.2024 to conduct a survey of the said property. The power agent shall submit all the relevant records to show his title to the said property and the third respondent shall, after issuing notice to the adjacent land owners and the other interested parties, hold an enquiry and thereafter pass orders either surveying the said property or rejecting the request. If there is any disturbance while conducting the survey, the third respondent may approach the fifth respondent for necessary police protection. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order. It is made clear that in the case of rejection, a speaking order shall be passed by the third respondent. No costs.

02.12.2024

To

- 1.The District Collector, Thiruvallur,
Thiruvallur District.
- 2.The Revenue Divisional Officer,
Old Court Campus, Thiruvallur
District.
- 3.The Tahsildar, Avadi Taluk Office,
Pattabiram, Chennai-54.
- 4.The Surveyor, Avadi Taluk Office,
Pattabiram, Chennai-54.

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5.The Inspector of Police, T-7
Tank Factory Police Station,
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