



WP.No.36486 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.36486 of 2024

1.S.Saravanan
2.S.Gowtham

...Petitioners

Vs

1.The District Collector,
Thiruvallur.

2.The Commissionerate of
Survey & Settlement
Department, rep.by its
Head Surveyor, Thiruvallur.

3.The Tahsildar, Avadi,
Avadi Taluk Office, No.119,
CTH Road, Avadi, Chennai-54.

4.R.Elumalai
5.Karthik

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd and the 3rd respondents to survey the lands in survey Nos.212/1, 2, 3, 213/1, 2, 3A, 219/1, T.S.No.3/24, Block No.4 measuring an extent of 960 sq.ft. situated at Thirumalai Nagar, plot No.61, Thirumullaivoyal, Chennai as per the proceedings of the first respondent dated 10.8.2024 within



WP.No.36486 of 2024

a stipulated time frame fixed by this Court.

WEB COPY

For Petitioners : Ms.R.Sripriya
For R1 to R3 : Mr.R.P.Murugan Raja, GA

ORDER

Seeking a Mandamus to respondents 2 and 3 to conduct a survey in respect of the lands measuring an extent of 960 sq.ft. comprised in survey Nos.212/1, 2, 3, 213/1, 2, 3A, 219/1, T.S.No. 3/24, Block No.4, situated at Thirumalai Nagar, plot No.61, Thirumullaivoyal, Chennai, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned Government Advocate accepting notice for respondents 1 to 3.

3. The petitioners are brothers. Their father purchased the said properties on 23.6.2000 vide registered doc.No.3147 of 2000 on the file of the Sub-Registrar, Ambattur. After the purchase of the said properties, their father got the revenue records mutated in his favour and an online patta was also issued. Due to unforeseen circumstances, the petitioners decided to sell the said properties, for which, they attempted to construct a compound wall around the said properties. But, it was obstructed by respondents 4 and 5, who



WP.No.36486 of 2024

allegedly claimed ownership in respect of the said properties. They also lodged a false criminal complaint against the petitioners. The father of the petitioners made an online application on 16.7.2024 to the third respondent to conduct a survey. He also paid necessary charges. He also sent a representation dated 29.7.2024 to the third respondent for that purpose with a copy to the first respondent. In turn, the first respondent directed the Assistant Director, Town Survey and Land Records, Thiruvallur and the third respondent to take necessary action on the said representation. But, there was no response even thereafter. Further, on 10.9.2024, the petitioners' father died. Hence, the petitioners are before this Court.

4. The fact that the property belongs to the petitioner's father is seen from the narration in the affidavit filed in support of the writ petition. Since the petitioners' father owned the said properties, he requested the third respondent to conduct a survey.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the third respondent to conduct survey of the said properties. The petitioners shall submit all the relevant records to show their title to the said properties and the third respondent shall, after issuing notice to the adjacent land



WP.No.36486 of 2024

owners and interested parties, hold an enquiry and thereafter, pass orders either surveying and subdividing the property or rejecting the request. In the case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

02.12.2024

To

- 1.The District Collector,
Thiruvallur.
- 2.The Commissionerate of
Survey & Settlement
Department, rep.by its
Head Surveyor, Thiruvallur.
- 3.The Tahsildar, Avadi,
Avadi Taluk Office, No.119,
CTH Road, Avadi, Chennai-54.

RS



WEB COPY



WP.No.36486 of 2024

P.T.ASHA,J

RS

WP.No.36486 of 2024

02.12.2024