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Writ Petition No.4069 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.4069 of 2025

&

W.M.P No.4573 of 2025

S.Bharathi

W/o.Sadasivam

... Petitioner

Vs.

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai – 600 001.

2. The Zonal Officer,
XII Zone Greater Chennai Corporation,
Pudhu Street,
Alandur, Chennai – 600 016.

3. The Tahsildar,
Alandur Taluk,
Alandur, Chennai – 600 016.

4. T.Devadasan
S/o.N.Thomas

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records on the file of the third respondent herein comprised in his proceedings in Na.Ka.No.211/2025/A1 dated 25.01.2025 and quash the same.



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For Petitioner : Mr.J.Selvarajan
For Respondents : Mr.A.Selvendran
Special Government Pleader [R1 to R3]

ORDER

This writ petition has been filed challenging the impugned notice issued by the third respondent dated 25.01.2025 informing the petitioner that the survey is going to be conducted on 07.02.2025 at 03.00 p.m. and the petitioner has been asked to be present at the time of survey.

2. Heard Mr.J.Selvarajan, learned counsel for petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing for respondents 1 to 3.

3. The main ground that has been raised by the learned counsel for the petitioner is that in the guise of conducting survey, the fourth respondent is now intending to evict the petitioner from the subject property. In view of the same, the notice issued by the third respondent has been put to challenge.

4. The petitioner had earlier filed W.P.No.22561 of 2023 seeking for a writ of mandamus forbearing the official respondents from



in any manner dispossessing or interfering with the possession of the petitioner with respect to the subject property. This writ petition was heard and an order was passed on 01.08.2023 and the relevant portion is extracted hereunder:

"7. If the 4th respondent has made a request for survey of the property, it is always open to the official respondents 1 and 2 to survey the property, after issuing necessary notice to the petitioner as well as 4th respondent. Therefore, recording the said statement made by the learned Standing Counsel for the respondents 1 and 2 that they only intend to survey the property in question, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed."

5. In the light of the above direction issued by this Court, the third respondent has now issued notice to the petitioner to participate at the time of conducting the survey. The notice *per se* does not suffer from any illegality since such a notice has been issued only in line with the directions issued by this Court. The grievance of the petitioner seems to be that in the guise of conducting a survey, an attempt has been made to dispossess the petitioner. This apprehension raised by the petitioner was addressed in the previous order itself wherein this Court made it very clear that the official respondents are only intending to survey the



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property and no other attempt is being made against the petitioner. Therefore, the purpose of survey is only for demarcation of boundaries and nothing more. If such a clarity has already been given in the earlier order, there is no need for the petitioner to once again approach this Court with the very same apprehension. Except giving this clarity, no further orders can be passed in this writ petition.

This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

07.02.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1. The Commissioner,
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