

W.P. No.16253 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.16253 of 2025

Umapathy

... Petitioner

Vs.

1. The District Collector,
Chengalpattu District.
Chengalpattu.
2. The Revenue Divisional Officer,
Chengalpattu,
Chengalpattu District,
Chengalpattu.
3. The Tahsildar,
Chengalpattu Taluk,
Chengalpattu District,
Chengalpattu.
4. The Deputy Tahsildar,
Chengalpattu Taluk,
Chengalpattu District,
Chengalpattu.
5. M.Kumaresan
6. A.Shobanadevi
7. Pachai



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8. Karunakaran

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 3rd respondent to conduct survey and to demarcate boundaries of the land comprised in the Survey No.412/5A3 situated at Ponmar Village, Chengalpattu Taluk, Chengalpattu District, based on the application dated 16.06.2023 made by the petitioner in online application Challan Number 20230616007829 to the 3rd respondent.

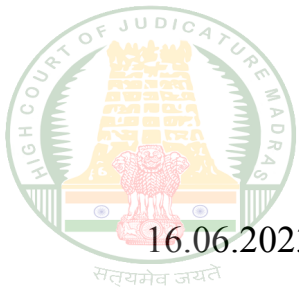
For Petitioner(s) : Mr.R.Rajadurai

For R1 to R4 : Mr.A.Selvendran
Special Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to the 5th to 8th respondents is dispensed with.

2. The present writ petition is filed praying for a writ of mandamus, to direct the 3rd respondent to conduct survey and to demarcate boundaries of the land comprised in the Survey No.412/5A3 situated at Ponmar Village, Chengalpattu Taluk, Chengalpattu District, based on the application dated



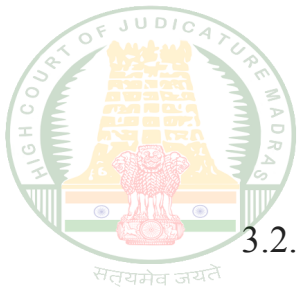
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16.06.2023 made by the petitioner in online application Challan Number:

WEB 20230616007829 to the 3rd respondent.

3. It is submitted by the learned counsel for the petitioner that the petitioner's grandfather purchased the property comprised in Survey No.412/5A3 situated at Ponmar Village, Chengalpattu Taluk, Chengalpattu District measuring to an extent of 0.03.5 hectares and the same was registered as Document No. 4736 of 1983 before the Sub-Registrar, Tambaram. Thereafter, petitioner's grandfather passed away, and his legal heirs viz., Kanniappan (petitioner's father), Mannar, Chinnaponnu, Arumugam, have been in possession and enjoyment of the property to date.

3.1. It is submitted by the learned counsel for the petitioner that the private respondents falsely claim that a portion of the petitioner's family property is a common pathway and has encroached the property by constructing a road. Subsequently, petitioner's father and family members have filed a suit in O.S.No.252 of 2020 seeking removal of illegally constructed road which is pending before the Principal District Judge, Chengalpattu. The private respondents have also filed a suit in O.S.No.96 of 2023 seeking declaration that the suit property is a public road, which is pending before the District Munsif Court, Chengalpattu.

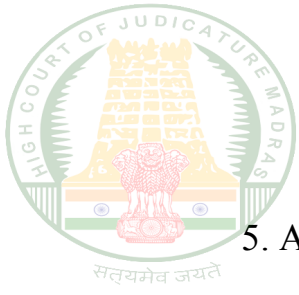


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3.2. It is submitted by the learned counsel for the petitioner that the petitioner had submitted an application on 16.06.2023 to the 1st and 2nd respondent seeking to survey the subject property. However, no action has been taken till date by the 1st and 2nd respondents. Aggrieved by the same, the present writ petition has been filed before this Court.

4. At the outset it is submitted by the learned counsel for the respondent that a suit is already pending in OS.No.96 of 2023 before the Court of District Munsif, Chengalpattu, in respect of the same subject property. It was thus submitted that it would be appropriate for the petitioner to take out an application in the suit for carrying out the survey and demarcate the boundaries.

4. In any view, if there is no interim order in the suit pending before the District Munsif, Chengalpattu, the 3rd respondent shall consider the petitioner's application dated 16.06.2023 and carry out the survey and demarcate the boundaries of the subject property within a period of 8 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law.



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5. Accordingly, the writ petition stands disposed of. No costs.

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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

spp

To:

1. The District Collector,
Chengalpattu District.
Chengalpattu.
2. The Revenue Divisional Officer,
Chengalpattu,
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Chengalpattu.
3. The Tahsildar,
Chengalpattu Taluk,
Chengalpattu District,
Chengalpattu.
4. The Deputy Tahsildar,
Chengalpattu Taluk,
Chengalpattu District,
Chengalpattu.



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MOHAMMED SHAFFIQ, J.

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W.A.262 of 2018:

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33. *In view of the anomalous situation created on account of the inconsistency in dealing with the grievances of the aggrieved persons, this Court is inclined to pass the following orders:*

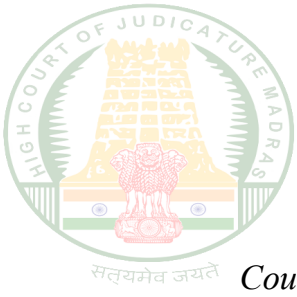
(1) *The Commissioner of Land Administration is directed to issue orders to all the competent authorities under his control across the State of Tamil Nadu to maintain registers for entertaining the applications/representations/appeals filed in a prescribed format by complying with the procedures under the Patta Pass Book Act, 1983 and the Rules in force.*

(2) *Every such application filed by the aggrieved persons are to be registered in the book of register and serial number has to be assigned in the order of seniority and such seniority assigned must be informed/communicated to the applicants/appellants.*

(3) *All the applications/appeals by the respective parties are to be taken up for hearing/enquiry in the order of seniority as far as possible and without causing any discrimination amongst the similarly placed applicants/appellants. Priority for hearing/enquiry is to be granted only if the applicant/appellant is able to establish that there is a genuine urgency, which is to be recorded by the Competent authority, while taking up the matter for hearing/enquiry. All other applications/appeals are to be heard and disposed of in the order of seniority.*

(4) *An enquiry under the Patta Pass Book Act, 1983 is to be conducted by the competent authorities by following the procedures as contemplated under the Rules and by affording opportunity to the parties. The competent authorities shall refuse to grant unnecessary adjournments to the parties, who all are intending to prolong and protract the matter. Adjournments are to be granted on genuine grounds only by recording the reasons. Casual adjournments of hearing are to be avoided, which would cause prejudice to any one of the party.*

(5) *All applications / appeals are to be disposed of by the competent authorities within a prescribed time limits stipulated under the Government orders or by the Commissioner of Land Administration. In the event of no time limit, the authorities are expected to pass orders within a reasonable period of time i.e., within a period of six months.*



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(6) The respondents are directed to relegate the parties to the Civil Court of Law, if there is any disputed facts regarding civil rights between the parties exists.

(7) The respondents are directed not to entertain applications under the Patta Pass Book Act, if the Civil Suits between the parties are pending before the Court of Law. In such circumstances, the applicants/appellants may be granted liberty to approach the competent authorities only after resolving the issues before the Civil Court of Law. The Authorities are directed to keep the revenue proceedings in abeyance till such time the civil disputes reach finality between the parties.

(8) The Commissioner of Revenue Administration is directed to issue consolidated instructions/circular to all the subordinate officials based on the orders passed by this Court and ensure proper implementation to make the public administration more efficient, since it is a Constitutional mandate.

(9) The Higher Authorities are directed to conduct periodical review to ensure that the procedures are followed scrupulously and in the event of any lapses, negligence or dereliction of duty on the part of the authorities, appropriate disciplinary actions are to be initiated under the Service Rules.

(10) The competent authorities are directed to pass speaking orders and communicate the same to all the parties concerned in the manner prescribed under the Rules of Public Administration.