



W.P. No.17643 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 05.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.17643 of 2025

R.Balaji

... Petitioner

Vs.

1. The Revenue Divisional Officer, (RDO),
Chennai South, Anna Salai,
Guindy, Chennai 600 032.

2. The Tahsildar,
Sholinganallur Taluk,
No.1, Rajiv Gandhi Street,
1st Cross Street, Sholinganallur,
Chennai 600 119.

3. The Inspector of Police,
O/o. Inspector of Police,
Pallikaranai Police Station,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the impugned order 24.06.2024, in Na.Ka.No.3427/2023/A1 passed by the 2nd respondent and quash the same.

For Petitioner(s)

: Mr.P.K.Ganesh



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For R1 and R2

: Mr.A.Selvendran
Special Government Pleader

For R3

: Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed praying for a writ of certiorari, to quash the impugned order dated 24.06.2024 in Na.Ka.No.3427/2023/A1 passed by the 2nd respondent.

3. It is submitted by the learned counsel for the petitioner that the land comprised in old Survey No.224/1, bearing Patta No.22 originally belonged to one Ekambaram, S/o.Mr.Ponnan and 4 others. The said Ekambaram being 1/5th share holder along with 4 other joint shareholders viz., Muthu, Annammal, Backiyammal, and Munusamy, executed a sale deed dated 07.04.1983 registered as Document No:1041 of 1983, SRO Saidapet, Joint-1 and sold 37 Cents out of the entire extent of Acres 1.02 Cents in Survey No: 224/1 to and in favour of the petitioner's father, Mr.Rajasekaran. Further by way of sale deed dated 07.04.1983 registered as Document No: 1040 of 1983 at the Sub-Registrar



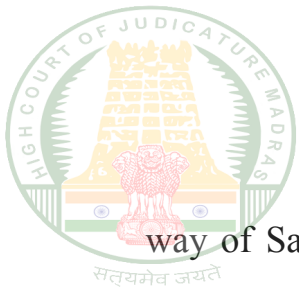
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Office, Saidapet Joint – 1, the above said owners viz., Ekambaram, Muthu, Annammal, Backiyammal, and Munusamy had sold 24 Cents out of the entire extent of Acres 1.02 Cents in Survey No: 224/1 to and in favour of one K.Thangaraj.

3.1. It is further submitted by the learned counsel for the petitioner that the petitioner's father Rajasekaran settled the said property admeasuring an extent of 3.7 Cents (1611.57 sq.ft.), comprised in Old Survey No:224/1 and new Survey No:224/1D1A1 and new Patta No:306, in favour of the petitioner herein by way of settlement deed dated 19.03.2019 registered as Document No:3114 of 2019, registered at the Sub-Registrar Office, Saidapet Joint-I.

3.2. It is submitted that at the time of executing the Settlement Deed dated 19.03.2019 Registered as Document No:3114/2019 at the Sub-Registrar Office, Saidapet Joint-I the said property was vacant land and subsequently petitioner constructed a residential portion on an extent of 200 Square feet and presently the petitioner is in absolute lawful possession and enjoyment of the said property.

3.3. It is submitted by the learned counsel for the petitioner that one Gunasekaran along with his henchmen tried to encroach the petitioner's property stating that his mother Govindammal had purchased the subject property in Survey No.224/1H covering an extent of 1527 sq.ft., from one M.Panchatram by

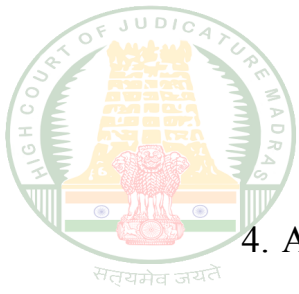


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way of Sale Deed dated 15.09.1992 registered as Doc.No.3177 of 1992 on the file of SRO Joint-I, Chennai South, Saidapet. It is submitted that Govindammal was never in possession of the property from the year 1992. Thereafter, the petitioner filed a suit in O.S.No.1020 of 2024, before the District Munsif cum Judicial Magistrate Court, Sholinganallur and the suit is still pending.

3.4. Whiles, the impugned order dated 24.06.2024 in Na.Ka.No.3427/2023/A1 was passed by the 2nd respondent, wherein it was informed that the properties comprised in Survey No.224/1H, admeasuring 0.0.3 ½ cents and Survey No.224/1HB admeasuring 0.01.41 ares were found to have been purchased by Govindammal and patta has also been issued in the name of Govindammal. Based on the impugned order passed by the 2nd respondent, Electricity Board official had orally informed the petitioner that electricity connection would be disconnected. Aggrieved by this, the present writ petition has been filed before this Court to quash the impugned order dated 24.06.2024.

3.5. The limited ground on which the impugned order is challenged is on the premise that the impugned order has been passed without putting the petitioner on notice and without verifying the revenue records which according to the petitioner would disclose that the petitioner is the lawful owner of the subject property for more than 4 decades.



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4. At the outset, it is submitted by the learned counsel for the respondent that the writ petition itself is ill-conceived inasmuch as the impugned communication dated 24.06.2024 is a request made by Tahsildhar to the 3rd respondent seeking police protection with regard to a survey which is sought to be carried out on the representation/request made by Gunesekaran/Govindammal. The observations regarding the right/title of the subject property made in the above communication is only with reference to the Survey and nothing more. In any view the respondent authority is not competent to decide the title to any property.

5. At this stage the learned counsel for the petitioner would submit that before any survey is conducted, the petitioner may be put on notice.

6. It is submitted by the learned counsel for the respondent that survey would be carried out after putting the petitioner on notice, which was agreed to by the learned counsel for the petitioner.

7. In view thereof, the writ petition stands disposed of with a direction to the respondents to carryout the survey after putting the petitioner, adjacent land owners and other interested parties including rival claimants if any on notice. It



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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. No costs.

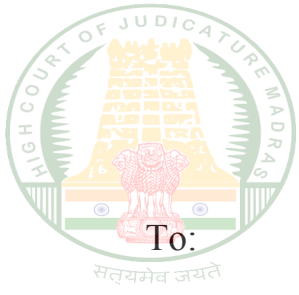
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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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MOHAMMED SHAFFIQ, J.

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