



W.P.No.19486 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 24.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

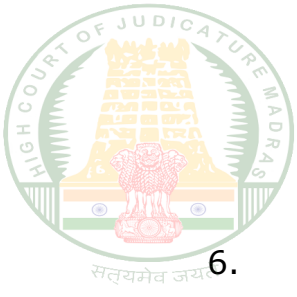
W.P.No.19486 of 2021 and W.M.P. No.20787 of 2021

N. Gowri

Petitioner

VS.

1. The Government of Tamil Nadu
represented by Secretary to Government
Public Works Department
Fort St. George
Chennai 600 009
2. The District Collector
Chennai District
3. The District Revenue Officer
Chennai District
4. The Tahsildar
Mambalam Taluk
Chennai 600 078
5. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003



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6. The Director General of Police
Santhome High Road
Chennai 600 004
7. The Commissioner of Police
Vepery
Chennai 600 007
8. The Inspector of Police
R10 MGR Nagar Police Station
Chennai 600 078

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove the illegal encroachment and construction in the petitioner's property measuring 5,040 sq. ft. and 4,970 sq. ft. in Sri Valli Avenue comprised in Survey Nos.69/1A and 69/2B, Town Survey No.26, Block No.6, Nesapakkam Village, Mambalam Taluk, Chennai District.

For petitioner	Mr. S. Senthilnathan
For RR 1 to 7	Mr. T.K. Saravanan Addl. Government Pleader
For R8	Mr. S. Santhosh Government Advocate (Crl. Side)



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ORDER

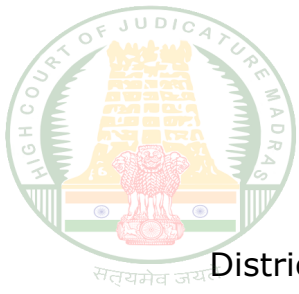
[made by HEMANT CHANDANGOUDAR, J.]

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The Petitioner has approached this Hon'ble Court by way of the present writ petition, seeking the issuance of a writ of mandamus, directing the respondents to forthwith remove the alleged encroachment and unauthorized construction made in Survey Nos. 69/1A and 69/2B, corresponding to Town Survey No. 26, Block No. 6, Nesapakkam Village, Mambalam Taluk, Chennai District.

2. The case of the Petitioner is that she is the absolute owner of the subject property by virtue of validly executed and registered sale deeds in her favour. It is her contention that the respondents, in total disregard of the due process of law and without any authority or legal sanction, have unlawfully entered upon the said property and have put up construction thereon, thereby violating her proprietary rights.

3. The fourth respondent has filed a counter affidavit, wherein it is stated, inter alia, that the construction in question has been carried out in Town Survey No. 26, Block No. 26, Nesapakkam Village, which, according to the respondent, correlates to Old Survey No. 68/4B, forming part of Nesapakkam Village, Mambalam Taluk, Chennai



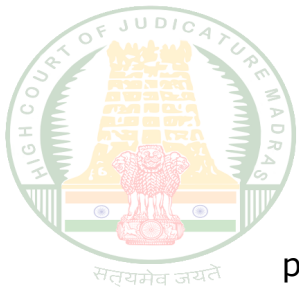
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District. Thus, the respondents have denied the allegation of encroachment upon the Petitioner's land.

4. In view of the rival contentions, it is evident that there exists a factual dispute between the parties with regard to the identity and demarcation of the lands in question. The Petitioner asserts that her land has been utilized by the respondents without following the procedure established by law, while the State claims that the construction has been undertaken on land belonging to the Government. In order to resolve this dispute pertaining to the identity of the land, the following directions are issued:

(i) The third respondent, viz., the District Revenue Officer, shall, with the assistance of the fourth respondent, viz., the Tahsildar, and the jurisdictional surveyor, under the overall supervision of the second respondent, viz., the District Collector conduct a comprehensive survey and demarcation of the lands bearing Survey Nos. 69/1A and 69/2B, Town Survey No. 26, Block No. 6, as well as Town Survey No. 26, Block No. 26, Nesapakkam Village, Mambalam Taluk, Chennai District.

(ii) The said survey shall be conducted in the presence of the Petitioner after providing her due notice in advance. The entire



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process shall be completed within a period of eight (8) weeks from the date of receipt of this order. Upon completion of the survey, a detailed report shall be prepared by the second respondent (District Collector), clearly indicating the extent of encroachment, if any.

(iii) A certified copy of the said survey report shall be furnished to the Petitioner, under due acknowledgement within a further period of four (4) weeks from the date of completion of the survey.

(iv) In the event the survey report establishes that any portion of the Petitioner's land has indeed been encroached upon and utilized for construction by the respondents, the respondents shall, within a period of four (4) weeks from the date of issuance of such report, either:

(a) remove the encroachment and restore possession of the said land to the Petitioner at its own cost within four (4) weeks;

or

(b) initiate proceedings under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and pay just and



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fair compensation to the Petitioner in accordance with law.

The entire process of compensation, if adopted, shall be completed within a period of four (4) months from the date of issuance of the survey report by the District Collector.

5. This writ petition stands disposed of on the above terms.

Connected W.M.P. stands closed. There shall be no order as to costs.

(M.S., J.)

(H.C., J.)

24.06.2025

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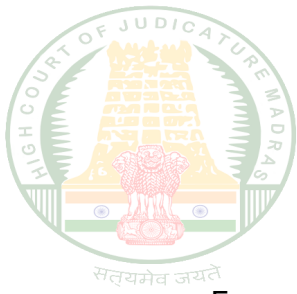
Index: Yes/No

N.C. : Yes/No

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