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W.P.No.25567 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM :
THE HONOURABLE MRS.JUSTICE N.MALA

Writ Petition No.25567 of 2025
and W.M.P.No.28753 of 2025

R.S.Devanarayanamurthy

... Petitioner

Vs.

1.The District Collector
District Collector Office,
Tiruvallur District.

2.The Tahsildar
Tiruvallur District.

3.The Deputy Tahsildar
Tiruvallur District.

4.The Village Administrative Officer,
Vengathur Town Panchayat,
Tiruvallur District.

5.Venkatalakshmi

... Respondents



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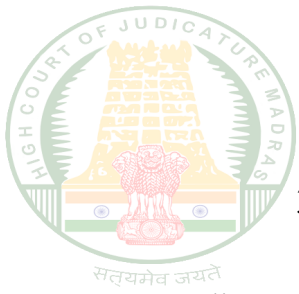
PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondents 1 to 4 from taking any coercive action to dispossess or demolish the structure in S. Nos 372/ 3B2B and 372/3B3B measuring to an extent of 1150-1/2 Sq.ft out of 2418 Sq.ft. situated in Vengathur Village Tiruvallur Taluk, Tiruvallur District and pass orders.

For Petitioner	: Mr. G. Mohammed Aseef
For Respondents	: Mr.R.Murthi for R1 to R4
	Government Advocate

ORDER

Seeking direction to forbear the respondents 1 to 4 from taking any coercive action to dispossess or demolish the structure in S. Nos 372/ 3B2B and 372/3B3B, measuring to an extent of 1150-1/2 Sq.ft out of 2418 Sq.ft. in Vengathur Village, Tiruvallur Taluk, Tiruvallur District , the present writ petition is filed.

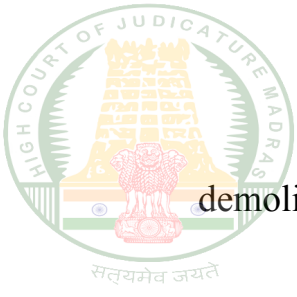
2.Mr.R.Murthi, learned Government Advocate, takes notice for respondent Nos.1 to 4.



3. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The case of the petitioner is that the petitioner purchased the property comprised in Survey Nos. 372/3B2B and 372/3B3B measuring 1150-1/2 sq. ft. (out of 2418 sq. ft.) located at Vengathur Village, Tiruvallur Taluk, Tiruvallur District, from Mr. R. Shanmugam, under a registered sale deed dated 29.03.2006, registered as Document No. 1079/2006 at SRO Manavala Nagar. After the purchase, the petitioner constructed a concrete building using his personal funds, mutated the revenue records in his name and was in peaceful possession and enjoyment of the property. The petitioner in general public interest constructed a ramp over the existing drainage at the entrance of the petitioner's house. While so, the 5th respondent, who is his adjacent owner lodged a complaint to the 1st to 4th respondents, alleging that the petitioner had encroached upon the public street by constructing ramp beyond his property limits. Without conducting any survey or official inspection, the 2nd to 4th respondents initiated steps to

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demolish the ramp. Under the said circumstances, the petitioner submitted a representation on 06.07.2025, to the respondents, but no action was taken till date. Aggrieved by the inaction and on threat of demolition from the 2nd to 4th respondents, the petitioner filed this writ petition.

5. Learned Government Advocate, appearing for the respondents 1 to 4, on instructions, submitted that the Surveyor's Report revealed that some of the residents of the street had constructed ramp and steps in the public street, and so also the petitioner constructed steps (stair case) in the public street. Therefore, the learned Government Advocate submitted that as the petitioner encroached upon public street, the writ petition deserved no merits.

6. Learned counsel for the petitioner on the other hand submitted that the petitioner was not aware of any survey as no notice of survey was given to the petitioner, and therefore, the survey, if any, that was conducted, was in violation of the procedure contemplated under the Tamil Nadu Survey and Boundaries Act, 1923. The counsel therefore, prayed that the official



respondents should be restrained from taking any action till a survey as per law was conducted.

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7. Heard the learned counsel on either side and perused the materials available on record.

8. The respondents have not established that the survey was conducted as per law, by giving notice to the petitioner and all the interested parties.

Therefore, as rightly contended by the petitioner's counsel, in the absence of any notice to the petitioner and the interested persons, the Survey report prepared unilaterally by the respondents, is vitiated and unacceptable. Hence, based on a unilateral and illegal survey, the respondents cannot be permitted to dispossess and demolish the disputed structure constructed by the petitioner. Under the said circumstances, I deem it appropriate to direct the official respondents not to take any coercive steps to demolish the street ramps or the steps (stair case) constructed by the petitioner, till proper survey is conducted by the official respondents, by following the procedure contemplated under the Tamil Nadu Survey and Boundaries Act, 1923.



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It requires no reiteration to state that the official respondents will be at liberty

to follow the procedure contemplated under law for demolition, in the event,

the petitioner is found to have encroached on the public street.

9. With the above directions, this writ petition is disposed of.

No costs. Consequently connected miscellaneous petition is closed.

18.07.2025

msv

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To:

1.The District Collector
District Collectorate Office,
Tiruvallur District.

2.The Tahsildar
Tiruvallur District.

3.The Deputy Tahsildar
Tiruvallur District.

4.The Village Administrative Officer,
Vengathur Town Panchayat, Tiruvallur District.

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N.MALA,J.

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