

WP No.28490 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.28490 of 2023

S.Pushpalatha

... Petitioner

Vs.

1. The Commissioner,
Survey and Settlement,
Chepauk, Ezhilagam, Chennai 600 005
2. The District Collector,
Collectorate, Thiruvallur,
Thiruvallur District 602 001.
3. The District Revenue Officer,
Thiruvallur,
Thiruvallur District 602 001.
4. The Tahsildar,
Ponneri Taluk,
No.23, Taluk Office Road,
Ponneri 601 2024, Thiruvallur District.
5. Chief Administration Officer,
Air Force Station Avadi,
23ED, Air Force Station, Avadi 600 055

... Respondents



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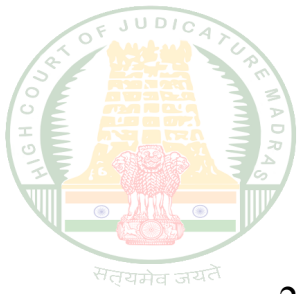
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 3 and 4 to take appropriate action to conduct survey in Survey No.223/5K, 1A, 1A, 1A measuring an extent of 4,800 sq.ft. of vacant land in Nallur Village, Ponneri Taluk, Thiruvallur District and issue separate patta in favour of the petitioner.

For Petitioner : Mr.A.V.Arun
For Respondents
1 to 4 : Mr.P.Sathish
Additional Government Pleader
For Respondent-5 : Mr.AR.L.Sundaresan, ASGOI
assisted by
Mr.R.Rajesh Vivekananthan
Deputy Solicitor General of India

ORDER

This Writ Petition has been filed for the following relief:

“To issue a Writ of Mandamus directing the respondents 3 and 4 to take appropriate action to conduct survey in Survey No.223/5K, 1A, 1A, 1A measuring an extent of 4,800 sq.ft. of vacant land in Nallur Village, Ponneri Taluk, Thiruvallur District and issue separate patta in favour of the petitioner.”



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2. The petitioner would submit that she had purchased the vacant land in Plot Nos. 209 and 210 located at Dhanalakshmi Nagar, Nallur Village comprised in survey Nos. 223/5K, 1A, 1A, 1A measuring 4,800 sq.ft situated in Ponneri Taluk, Thiruvallur District, under a Sale Deed dated 27.03.1995 registered as Doc No. 157/Book IV/1994 and she has been in possession of the same since then.

3. The petitioner would further submit that when she visited the property, she found that the 5th respondent had started putting up a fence across the property. Immediately, she made a representation on 22.03.2023 to the 5th respondent to measure the property. The 5th respondent had informed the petitioner that the matter is subjudice before this court. The petitioner had also filed applications before the respondents 1 and 4 to survey the property and issue a separate patta, which are pending to date.

4. Meanwhile, the 5th respondent claims that the lands in the entire village was acquired for the Sholavaram Air Field and in this

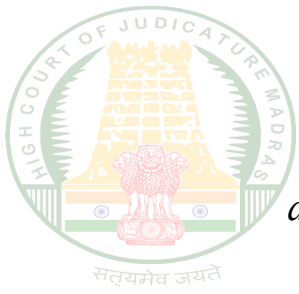


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regard certain writ petitions are pending before this Court and interim directions have been issued for ascertaining the lands acquired for the purpose of Air Field, to demarcate the same and release the remaining lands. The petitioner would submit that conducting survey is mandatory so as to protect her rights and she has also remitted the applicable fee for conducting the survey under challan No.20230812001411 on 12.08.2023. However, survey has not been conducted to date. Hence, this writ petition.

5. The 4th respondent has filed a counter affidavit wherein in paragraph 5 it has been stated as follows:

“According para 9, 11 and 12, it is submitted that the land purchase by her is located in a depth of 10 metres. Further a portion land is stagnated with water at present. As soon as the water is drained from the land, and the entire land is levelled survey will be conducted by the survey staff of the 4th respondents office. The computer chitta extract for Patta No 1763



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and the photograph showing the stagnation of water, are filled with this counter and they may be read as part and parcel of this counter.”

6. The 5th respondent has filed a counter affidavit wherein in paragraph 21 it has been stated as follows:

“In reply to the averments made in these Paras, it is submitted that as per the order dated 07 Sep 23 passed by the Hon'ble Madras High Court, a status report filed by 3rd Respondent. As per Status Report, survey team have surveyed and demarcated four side boundaries of all defence land in the Pammadukulam Village, Attanthangal, Alamathl -I & II and Nallur villages of Avadi and Ponneri Taluk, Tiruvallur District. Further, as per Status Report, only survey No. 237/2, 237/3, 238/2, 239, 223/5G, 223/5I, 223/5J and 223/5B,5E of Nallur village are demarcated as a defence land and the survey number 223/5K, 1A, 1A, 1A mentioned by the Petitioner are not demarcated as a defence land”



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7. Therefore, recording the statement made by the 4th respondent/Tahsildar that they would conduct a survey as and when the water drains from the lands, the petitioner shall inform the 4th respondent about the land being dry and the survey shall be conducted within a period of 4 weeks from the date of such written information. Accordingly, this writ petition is disposed of. No costs.

21.01.2025

Index : Yes/No

Internet : Yes/No

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To

1. The Commissioner,
Survey and Settlement,
Chepauk, Ezhilagam, Chennai 600 005

2. The District Collector,
Collectorate, Thiruvallur,
Thiruvallur District 602 001.

3. The District Revenue Officer,

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Thiruvallur,
Thiruvallur District 602 001.

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4. The Tahsildar,
Ponneri Taluk,
No.23, Taluk Office Road,
Ponneri 601 2024, Thiruvallur District.
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