



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**WP No. 49305 of 2025
and WMP No. 55075 of 2025**

Rajakumari

Petitioner(s)

Vs

1. The District Collector
Thiruvallur District.

2.The Commissioner
Avadi City Municipal Corporation,
Avadi.

3.The Tahsildar
Avadi Taluk Office, Avadi.

4.The Surveyor
Avadi Taluk Office, Avadi.

Respondent(s)

Prayer : This petition has been filed under Article 226 of the Constitution of India, to forbear the respondents their men, agents, servants, subordinates or anybody acting on their behalf from in any way putting up a dump yard in old Survey No. 379/2, New Survey No. 16/4, Thundurai Village, Pattabiram, Thiruvallur district, which is petitioner's patta land which is an extent of about 10.5 cents.

For Petitioner(s): M/s.G.Selvi George

For Respondent(s): Mr.L.S.M.Hasan Fizal, AGP
-R1, R3 & R4
Mr.R.A.Gopinath, SC - R2

ORDER



The petitioner claims to be the owner of the property situated in old Survey No. 379/2 comprised in New Survey No. 16/4 situated at Thundurai Village, Pattabiram, Tiruvallur District. She claims that the property belonged to her father, Palayam and on his death, she and her mother, Padmavathy, came into possession of the property. Her mother, Padmavathy passed away on 26.11.2021 and thereafter, the petitioner has been in peaceful possession and enjoyment of the aforesaid survey number.

2. The grievance of the petitioner is that the second respondent viz., Avadi City Municipal Corporation is dumping waste on her property. She claims that as her land is a patta land, she is entitled to protect the same from any manner of infringement including dumping of waste, on her property. To substantiate that it is the patta land, the petitioner has produced TSLR issued by the jurisdictional Tahsildar.

3. Ms.Selvi George also invited the attention of this Court to a board affixed by the Municipality asserting that the property belongs to the Municipality and hence, she is before this Court.

4. When the matter came up on 19.12.2025, Mr.R.A.Gopinath appearing for the Avadi City Municipal Corporation pleaded that no dump yard is sought to be established by the second respondent but, only an MCC of less than 5 metric tone per day is proposed to be set up in Survey No. 377/1A part, which



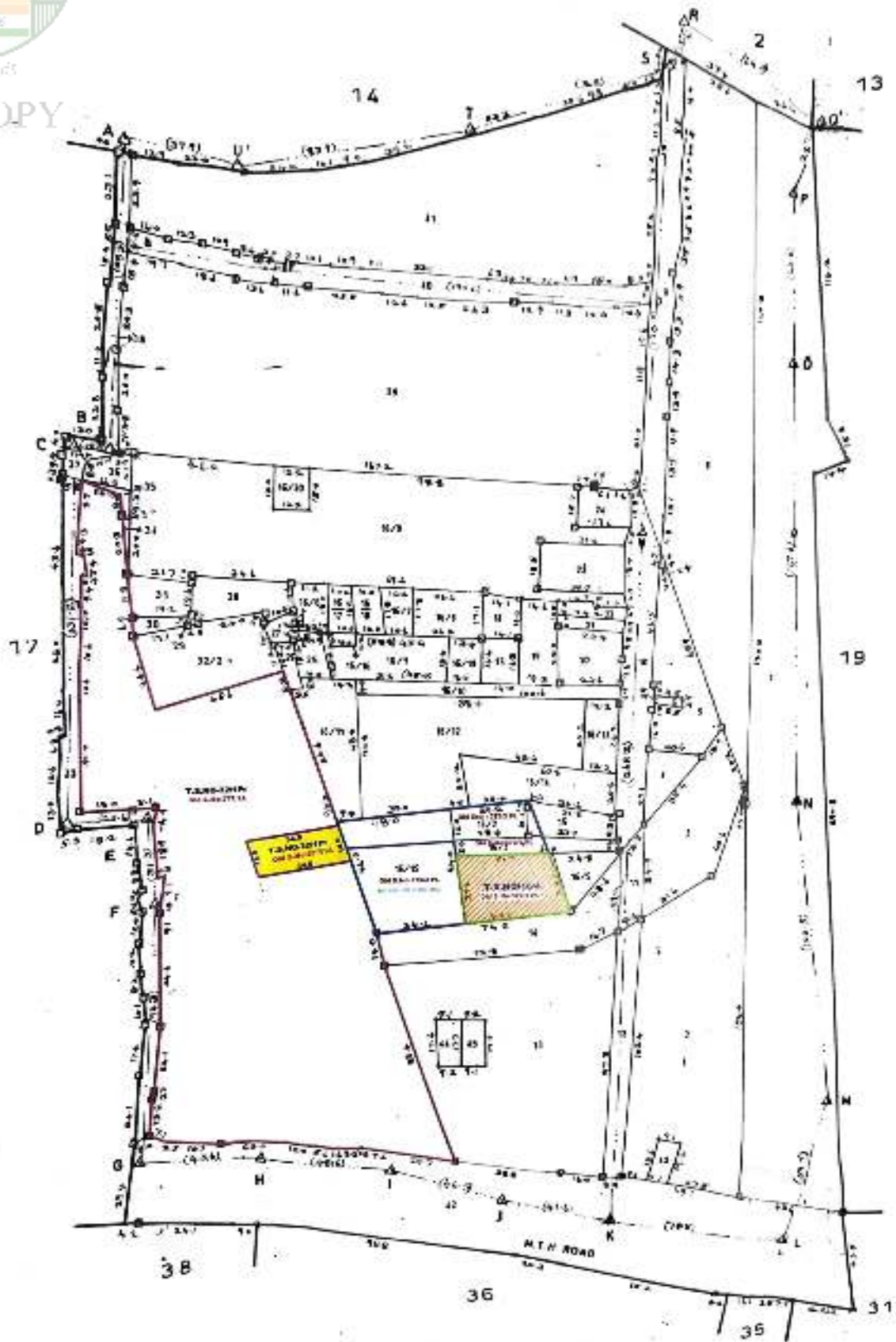
corresponds to Survey No.32/1. He stated that Survey No. 377/1A has been classified as Meikkal Poramboke and it belongs to the State and not to the petitioner. Since there was a dispute in identity, I called upon Mr.L.S.M.Hasan Fizal, who appeared for respondent Nos. 1, 3 and 4 to instruct the third respondent to conduct a survey of the property and submit a report.

5. Pursuant to the directions of this Court, the Tahsildar has caused the survey of the property and has submitted a report with a plan. The report states that Survey No.377/1A is to an extent of 9.27 acres and Survey No.379 is to an extent of 11.16 acres and both have been classified as 'Meikkal Poramboke'. He has further stated that both the properties viz., Survey No. 377/1A part and Survey No.379/2 part are situated in Ward E, Block 18 of the aforesaid village. He has also pointed out that Survey No. 377/1A part is Meikkal Poramboke and insofar as the petitioner's property is concerned, it is comprised in Survey No. 379/2 part to an extent 934 square meters.

6. Together with the report, he has also enclosed a plan, which is scanned hereunder:-



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Whereunder, he has clearly demarcated Town Survey No. 16/4, old Survey No. 379/2 part and Town Survey No. 32/1 part corresponding to old Survey No. 379/1A. This shows that the petitioner seems to be under confusion that her property is a subject matter of usage by the second respondent.

7. Ms.Selvi George states that it is not the petitioner, who has confused herself but the Revenue Department and the Corporation have misidentified Town Survey No.16/4 and Town Survey No.32/1 part.

8. Sitting in a jurisdiction under Article 226 of the Constitution of India, I cannot deal with this issue. It is for the petitioner to approach the jurisdictional civil Court and point out that the survey that has been conducted is erroneous and an attempt made by the second respondent to use Survey No. 377/1A (T.S. No. 32/1 part), which is in fact a portion of her property.

9. I called upon the Tahsildar to do a survey in order for this Court to understand whether the action of the second respondent is in violation of the right to property of the petitioner. Since the report has gone against the petitioner, nothing further needs to be done other than relegating her to file a suit before the competent civil Court.

10. Needless to add whatever observations have been made on the basis of the report filed by the Tahsildar is only a *prima facie* one for the disposal of this writ petition. It will not stand in the way of the Civil Court to go into the issue independently.



V.LAKSHMINARAYANAN, J.

Maya

11. The writ petition is dismissed. Consequently, connected miscellaneous petition is closed.

12. The petitioner will pay a cost of Rs.5,000/- to the third respondent towards the cost of survey as directed by this Court in the earlier order dated 19.12.2026.

03-02-2026

Maya

To

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