



WEB COPY



W.P.No.39955 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.39955 of 2025 &
WMP.No.44882 of 2025

S.M.Mohamed Hidayathullah ... Petitioner

Vs.

- 1.The District Collector,
Chengalpattu, Chengalpattu District.
 - 2.The District Revenue Officer (DRO).
Chengalpattu, Chengalpattu District.
 - 3.The Project Director (District Rural Development Agency),
Chengalpattu, Chengalpattu District.
 - 4.The Tahsildar,
Thiruporur Taluk, Thiruporur,
Chengalpattu District.
 - 5.The Assistant Director (Panchayat),
Chengalpattu, Chengalpattu District.
 - 6.The Block Development Officer, (Village Panchayat),
Thiruporur Taluk,
Chengalpattu District.
 - 7.The Panchayat President,
Thaiyur Village, Thaiyur,
Chengalpattu District.
- ... Respondents

For Petitioner :Mr.R.Rajarajan

For Respondents
1 to 5 :Mr.L.S.M.Hasan Fizal,



W.P.No.39955 of 2025

Additional Government Pleader

WEB COPY

For Respondents

6 to 7 :Mr.A.N.Purushothaman,
Special Government Pleader

ORDER

By an order dated 25.10.2025, I directed the Tahsildar, Thiruporur Taluk, Chengalpet District to either inspect the property by himself or through any other competent official subordinate to him and submit a report whether the paver block road has been laid over the property. I also ordered that if the survey shows that the road has, in fact, been laid over the petitioner's property, it should be removed and I adjourned the matter to 31.10.2025.

2. On 03.11.2025, when I called the matter, I was informed that the other residents of the layout had prevented the survey to be done and therefore, no proper survey could be completed. When I point out the violation of this order, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader pleaded that if one more opportunity is granted to the Tahsildar, he will redo the exercise by 10.11.2025. On account of fervent plea raised by Mr.L.S.M.Hasan Fizal, I acceded to his request. Despite the fact that the duty of the Tahsildar in not carrying out the survey is *ex facie* contumacious, I posted the matter today i.e., on 11.11.2025.

3. When I called the matter in the forenoon, the learned counsel for



W.P.No.39955 of 2025

the petitioner reported that despite the order dated 03.11.2025 and the assurance that had been given by Mr.L.S.M.Hasan Fizal, no survey had been conducted. This shows that the Tahsildar was not inclined to implement the orders of this Court. Hence, I directed Mr.L.S.M.Hasan Fizal to instruct the fourth respondent to be present in Court today.

4. Again when I called the matter at 4.00 pm, Mr.V.Saravanan, Tahsildar, Tiruporur and Mr.Yuvaraj, Taluk Sub-Inspector of Survey, Thiruporur Taluk were present.

5. Mr.L.S.M.Hasan Fizal stated that on account of objections that had been made by the residents and since the Tahsildar was under the impression that the inspection that had been taken place on 29.10.2025 would suffice, he had submitted a report without conducting a survey as stated on 03.11.2025. When this Court has passed an order and that too, on the fervent plea made by the learned Additional Government Pleader that the exercise would be done by 10.11.2025, it is expected that the authorities will implement the same in letter and spirit. The order is clear and unambiguous. The survey was directed to be done. Yet, it was not done.

6. Mr.L.S.M.Hasan Fizal states that survey will be conducted tomorrow i.e., on 12.11.2025 at 11.00 am by the Tahsildar together with the assistance of jurisdiction survey officials. In order to give one more



W.P.No.39955 of 2025

opportunity to the officials, the statement of Mr.L.S.M.Hasan Fizal is accepted. Accordingly, the Tahsildar and survey officials will survey the property situated at S.No.246/1AB of Thaiyur Village, Thiruporur Taluk, Chengalpet District on 12.11.2025.

7. Mr.S.M.Mohamed Hidayathullah, who is present in court, shall be present at the site on 12.11.2025 at 11.00 am. He will not be entitled to a separate notice of survey. As he is present in the court and it is deemed to have notice that the Survey to be conducted tomorrow. Mr.A.N.Purushothaman, learned Special Government Pleader, who represents the respondents 6 and 7, shall inform the respondents 6 and 7 to be present in the site on 12.11.2025 at 11.00 am.

8. Even if Mr.S.M.Mohamed Hidayathullah and the respondents 6 and 7 are not present, the fourth respondent will proceed and survey the property. The report of the Tahsildar shall demarcate between the holdings of Mr.S.M.Mohamed Hidayathullah and the road and the overlapping area, if any. The areas must be demarcated by distinct colour schemes so as to enable this Court to take a decision in the writ petition.

9. Mr.L.S.M.Hasan Fizal pleads that there seems to be a disturbance from the residents.

10. The Tahsildar is an Executive Magistrate of the concerned area. In



W.P.No.39955 of 2025

case, any person obstructs him during the course of performance of his duties, he can always summon the jurisdictional police to assist him. In addition, he is also empowered under BNS to lodge a complaint against any person who is acting against the Government officials in performance of his duties.

11. In case, survey is completed and the report is ready to be submitted on the next hearing, the presence of the Tahsildar is unnecessary.

12. Call the matter for production of report as first item on 13.11.2025.

11.11.2025

nl

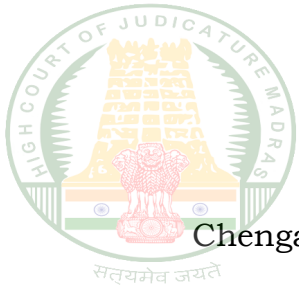


W.P.No.39955 of 2025

WEB COPY

To

- 1.The District Collector,
Chengalpattu, Chengalpattu District.
- 2.The District Revenue Officer (DRO).
Chengalpattu, Chengalpattu District.
- 3.The Project Director (District Rural Development Agency),
Chengalpattu, Chengalpattu District.
- 4.The Tahsildar,
Thiruporur Taluk, Thiruporur,
Chengalpattu District.
- 5.The Assistant Director (Panchayat),
Chengalpattu, Chengalpattu District.
- 6.The Block Development Officer, (Village Panchayat),
Thiruporur Taluk,
Chengalpattu District.
- 7.The Panchayat President,
Thaiyur Village, Thaiyur,



Chengalpattu District.

WEB COPY



W.P.No.39955 of 2025

V. LAKSHMINARAYANAN. J,

nl

W.P.No.39955 of 2025



WEB COPY



W.P.No.39955 of 2025

11.11.2025