

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.Nos.901 and 902 of 2015
and
M.P.Nos.1 and 1 of 2015

M/s.Olympia Group,
Olympia Technology Park,
represented by its Director
Mr.Gowrav Sanghvi
Plot No.1, SIDCO Industrial Estate,
Guindy,
Chennai-600 032.

...Appellant in both writ appeals/
10th Respondent

Vs.

1. M.Bright Keneddy
rep by R.Rajasekaran,
S/o.Mr.K.Rathinam
No.4/124, D Kavery Avenue,
SBI Colony,
Salem-636 004.

2. The State of Tamil Nadu,
rep by its Secretary,
Revenue Department,
Fort St. George,
Chennai-600 009.

3. State of Tamil Nadu,
rep by its Secretary,
Public Works Department,
Fort St. George, Chennai.

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4. The Additional Chief Secretary,
The Commissioner of Land Administration,
Office of the Commissioner of Land Administration,
Ezhilagam, Chempauk,
Chennai-6.

5. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maaligai,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.

6. The Director,
Directorate of Town and Country Planning,
Opp. LIC Chengalvarayan Building,
No.807, Anna Salai, Chennai-600 002.

7. The District Collector,
Office of the District Collector,
Kancheepuram District.

8. The Tahsildar,
Office of the Tahsildar,
Taluk Office Complex,
Thiruporur Taluk.

9. A.Jayachandra Reddy ... Respondents in W.A.No.901 of 2015/
Respondents 1 to 9

1.Rathinavathi Masilamani
2.M.Jansi Rani
3.M.Usha Rani
4.M.Bright Kennedy
5.M.Nesakumar Patel & Patel Kennedy
6.M.Sasi Rani

7.M.Vidya Rani @ Ida Vidya Rani
rep by their power agent
R.Rajasekaran

8.The State of Tamil Nadu,
rep by its Secretary,
Revenue Department,
Fort St. George,
Chennai-600 009.

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9. State of Tamil Nadu,
rep by its Secretary,
Public Works Department,
Fort St. George, Chennai.
10. The Additional Chief Secretary,
The Commissioner of Land Administration,
Office of the Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai-6.
11. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajar Maaligai,
No.1, Gandhi Irwin Road, Egmore,
Chennai-600 008.
12. The Director,
Directorate of Town and Country Planning,
Opp. LIC Chengalvarayan Building,
No.807, Anna Salai, Chennai-600 002.
13. The District Collector,
Office of the District Collector,
Kancheepuram District.
14. The Tahsildar,
Office of the Tahsildar,
Taluk Office Complex,
Thiruporur Taluk.
15. A. Jayachandra Reddy ... Respondents in W.A.No.902 of 2015/
Petitioner/Respondents 1 to 9

These writ appeals are preferred under Clause 15 of the Letters Patent against the order of this court dated 09.03.2015 made in W.P.Nos.24707 and 24708 of 2014.

W.P.No.24707 and 24708 of 2014:

Petition presented under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to rectify the mistakes in the FMB sketches for the property comprised in (i) Survey No.136, Thiruvidanthai Village, Thiruporur Taluk, Kanchipuram District showing the subject property as S.No.136/1B1A1 in one FMB sketch and showing the subject property as

S.No.136/1B1B in other FMB sketch and (ii) Survey No.137, Thiruvidanthai Village, Thiruporur Taluk, Kancheepuram District respectively, A-Register of the year 1987 prepared after UDR scheme and to restore the status of the property as per the documents and revenue records before the implementation of UDR scheme and also to survey the property by using sophisticated measuring instruments and to furnish a copy of survey report to the petitioners.

For Appellant : Mr.AR.L.Sundaresan, SC
for M/s.AL.Gandhimathi

COMMON JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

Challenging the order dated 9.3.2015 in W.P.Nos.24707 and 24708 of 2014, the appellant, who was the 10th respondent therein, has come up with the instant appeals.

2 The writ petitioners, seeking a direction to the official respondents therein to rectify the mistakes in the FMB sketches for the property comprised in survey No.136, Thiruvidanthai village, Thiruporur taluk, Kanchipuram District showing the subject property as S.No.136/1B1A1 in one FMB sketch and showing the subject property as S.No.136/1B1B in other FMB sketch and Survey No.137, Thiruvidanthai village, Thiruporur Taluk, Kanchipuram District respectively, A-Register of the year 1987 prepared after UDR scheme and to restore the status of the property as per the documents and revenue records before the implementation of UDR scheme and also to survey the property by using sophisticated measuring instruments and to furnish a copy of survey report to the petitioners, have come up with the writ petitions.

3 Both writ petitions were taken up together and disposed of by a common order dated 09.03.2015. The learned Single Judge, considering the case in its proper perspective, passed a direction to the 8th respondent-Tahsildar, Thiruporur Taluk, Kanchipuram District to consider the writ petitioners' representation dated 18.08.2014 and take a decision on merits after affording an opportunity of hearing to the present appellant and the 9th respondent in W.A.No.901 of 2015. It was further observed that if the revenue authority is of the view that there are serious disputes regarding title and ownership, the parties may be informed to approach the civil court.

4 The appellant is before us contending that if the revenue authorities are not competent to decide the title of the parties and disputed facts, the writ petitions ought to have been dismissed without giving any directions to the revenue authorities to consider

the representation.

5 We have examined the facts as well as the impugned order carefully. All that has been directed is to consider the representation. There is no direction to settle the title or disputed facts. However, it has been left to the revenue authorities to consider the case put forth by the parties before him and take a decision. Under such circumstances, we do not find any irrationality or irregularity in the order sought to be impugned in these appeals. Resultantly, the writ appeals are dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The State of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai-600 009.
2. The Secretary,
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Public Works Department,
Fort St. George, Chennai.
3. The Additional Chief Secretary,
The Commissioner of Land Administration,
Office of the Commissioner of Land Administration,
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4. The Member Secretary,
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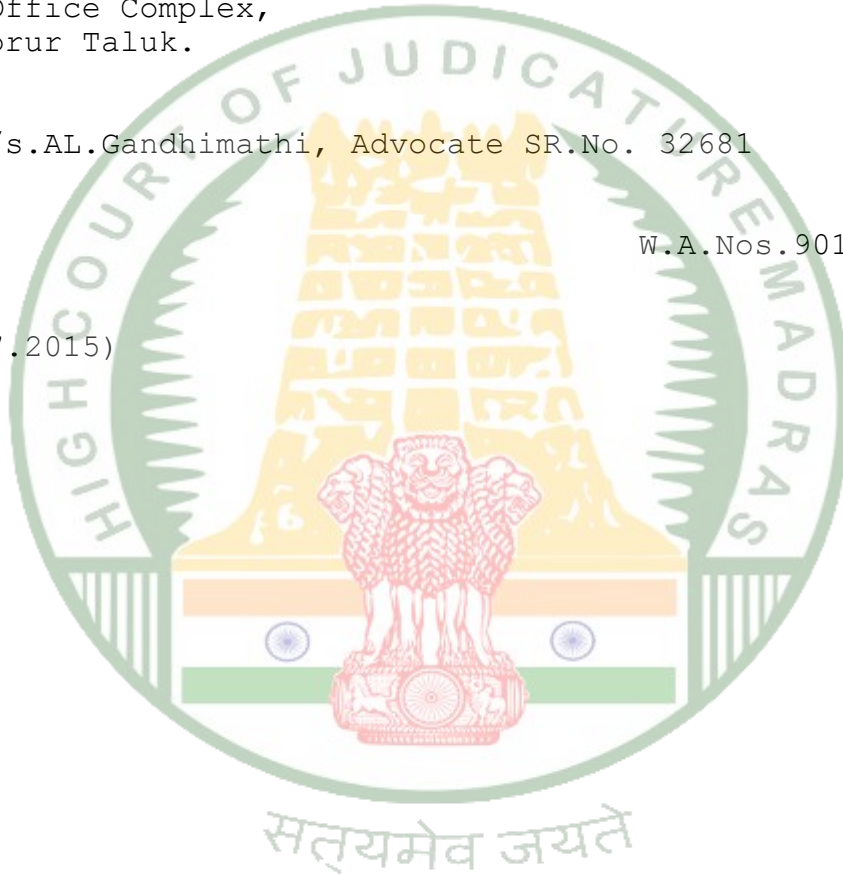
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Thiruporur Taluk.

1 CC to M/s.AL.Gandhimathi, Advocate SR.No. 32681

W.A.Nos.901 and 902 of 2015

UG (CO)
PSI (16.07.2015)



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