

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13925 of 2015

P.Kalyani

.. Petitioner

Versus

- 1 Principal Commissioner and
Commissioner of Land Administration
Ezhilagam Chennai-5.
 - 2 The Collector
Kancheepuram District Kancheepuram.
 - 3 The Settlement Officer
Office of Director of Survey and Settlement
Survey House Ezhilagam Chepauk Chennai-5.
 - 4 The Special Tahsildar
(Town Settlement Survey) 2nd Floor 12th
Zone, Corporation of Chennai Alandur
Chennai-16.
- .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to consider the appeal dated 09.03.2015 pending before the 3rd respondent herein within a stipulated period in accordance with law.

For Petitioner : Mr.C.Uma Shankar

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader.

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that she is the absolute owner of the lands in T.S.Nos.53, 55 and 80 (Old S.Nos.104/2 and 104/3) in block 16, E Ward situated in Adambakkam Village, Alandur Circle, Kanchipuram District and the larger extent of lands in the above said survey numbers were possessed by her father-in-law viz., late Parthasarathy, who in turn gifted the lands to his sisters and she claimed to have purchased from them. The petitioner would further state that originally the lands belonged to Kundrakudi Adheenam and they issued documents evidencing possession in favour of her late

father-in-law and for the past 75 years, their families are in possession and enjoyment of the said lands.

3. The petitioner would further state that by virtue of the Tamilnadu Minor Inams (Abolition and Conversion into Ryoywari) Act, 1963 (Tamil Nadu Act 30/63), pattas were issued in the name of the individuals based on their possession and the said Adheenam has objected the issuance of patta in the name of her father-in-law and the jurisdiction Assistant Settlement Officer has passed an order dated 30.05.1970 and it was put to challenge before the Settlement Officer, Thirvannamalai and vide order dated 30.09.1998, has confirmed the order passed by the Assistant Settlement Officer. The Adheenam went on further appeal and it was also dismissed. Therefore, the orders passed by the authorities had reached the finality.

4. The grievance expressed by the petitioner is that some third party interferes with the possession of her vendors and they also filed O.S.No.515 of 2003 on the file of the Court of District Munsif, Alandur and the same is pending as against the third parties and it has nothing to do with the title of her vendors. The petitioner as well as her vendors have sent several representations to the authorities to enter their names in the "A" Register as well as Town Survey Register and the 4th respondent has sent a report dated 04.02.2015, negating the request and aggrieved by the same, she filed an appeal dated 09.03.2015 to the 3rd respondent and since, it has not been disposed of, came forward to file this writ petition.

5. Heard the submissions of Mr.C.Uma Shankar, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice for the respondents.

6. Taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the appeal, this Court, directs the 3rd respondent to consider the appeal petition dated 09.03.2015 submitted by the petitioner, on merits and in accordance with law, after putting on notice the persons concerned and pass orders as expeditiously as possible and not later than twelve weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner as well as to the persons concerned.

7. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

To

- 1 Principal Commissioner and
Commissioner of Land Administration
Ezhilagam Chennai-5.
- 2 The Collector
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Zone Corporation of Chennai Alandur
Chennai-16.

+1 cc to Mrs.C.Umashankar, Advocate, SR.25693

+1 cc to the Government Pleader, SR.25700.

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krd 10/6



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