

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.07.2015

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.22478 of 2015
and M.P.No.1 of 2015

Kamalakannan

... Petitioner

-Vs-

1. The District Collector,
Chennai District,
Singaravelar Maligai,
Kamarajar Salai,
Chennai - 600 001.
2. The Tasildar,
Peruambur Taluk Office,
Paper Mill Road, Perambur,
Chennai - 600 011.
3. The corporation of Chennai,
represented by its Commissioner,
Ripon building,
Chennai - 600 003.
4. Executive Engineer,
Zone VI, Corporation of Chennai,
Chennai - 23.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to resurvey the petitioner property and hand over the petitioner possession at No.246/246A, Paper Mills Road, Sembium, Perumbur, Chennai - 600 011, as per face of the mark indicate by 4th respondent.

For Petitioner : Mr.P.Shivaraj Mohan
For Respondent : Mrs.P.Rajalakshmi,
Govt.Advocate for R1 and R2
Mr.P.V.Selvakumar for R3 and R4.

O R D E R

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

2. The petitioner is the owner of the premises bearing Door No.246A, Paper Mills Road, Sembium, Perumbur, ,Chennai - 600 011, comprised in Survey No.114, T.S.No.66, Block No.22, through registered sale deed bearing document No.3510/1988 at Sub-Registrar office at Sembium, and claims to be in possession from the date of purchase. The petitioner further claims that he has also purchased the front portion of the said property in the name of his wife viz., Mythili, vide Document No.7860/1996 registered on the file of Sub Registrar office at Sembium.

3. The grievance of the petitioner is that the 4th respondent under the guise of widening the road has marked certain portion of the petitioner's property and the petitioner, aggrieved by the same has submitted an application/ representation to the respondents praying for appropriate permission to run the shop apart from the allegation of encroachment pointed out by them. Since he was not favoured with any response, he has filed the present writ petition.

4. Learned counsel for the petitioner would submit that it would be suffice to permit the petitioner to submit an application to the jurisdictional Surveyor of Tahilsar's office to measure his property to find out whether there is an encroachment and prays for appropriate orders.

5. This Court, heard the submission of Mrs.P.Rajalakshmi, learned Government Advocate who accepts notice for respondents 1 and 2 and Mr.P.V.Selvakumar, who accepts notice on behalf of the Corporation (Perambur Zone VI).

6. This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit an application to the second respondent for survey of his property and the property of his wife within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider the the application of the petitioner on merits and in accordance with law, after putting on notice to the persons concerned and pass appropriate orders within a period of six weeks thereafter and communicate the decision taken, to the petitioner as well as the persons concerned.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

vsi

To

1. The District Collector,
Chennai District,
Singaravelar Maligai,
Kamarajar Salai,
Chennai - 600 001.
2. The Tasildar,
Peruambur Taluk Office,
Paper Mill Road, Perambur,
Chennai - 600 011.
3. The Commissioner,
The Corporation of Chennai,
Ripon building,
Chennai - 600 003.
4. The Executive Engineer,
Zone VI, Corporation of Chennai,
Chennai - 23.

1 cc to Mr. P.V.Selvakumar, Advocate Sr.No.38556
1 cc to Mr.P.Shivaraj Mohan, Advocate Sr.No.38087
1 cc to Government Pleader.Sr.No.38382

W.P.No.22478 of 2015

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