

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.19708 of 2014

S.Navaneethakrishnan

.. Petitioner

Vs.

1.The Government of Tamil nadu
rep. By its District Collector
Chennai District, Chennai 600001.

2.The Tahsildar
Mylapore - Triplicant Taluk
Pasumpon Muthuramalingam Road
Mylapore, Chennai 600 028.

3.The Commissioner
Chennai Corporation, Chennai 3.

4.Divisional Engineer (H)
Chennai City Road Division
Highways Department, Chennai 600 006. .. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the second respondent to consider the petitioner's representation dated 9.5.2014.

For Petitioner : Mr.I.Antony Jesus

For Respondents : Mr.V.Jaya Prakash Narayanan-R1 & R2
Special Government Pleader

Mr.R.Arunmozhi -R3

O R D E R

By consent of the learned counsel on either side, the writ petitions are taken up for final disposal.

2.Heard Mr.I.Antony Jesus, learned Counsel appearing for the petitioner, Mr.V.Jaya Prakash Narayanan, learned Special Government

Pleader appearing for R1 & R2, learned Mr.R.Arunmozhi, learned counsel appearing for third respondent.

3.The petitioner seeks for issuance of writ of mandamus to direct the second respondent to consider his representation dated 9.5.2014.

4.According to the petitioner, the land in Sy.No.R.S.3884/276 to an extent of 57.0477 grounds situated in Mylapore, originally belonged to one Pithapuram Maharaja by virtue of a sale deed dated 16.12.1933, the same was sold to Y.Venganna Choudhry vide sale deed dated 12.4.1961 in Document No.1602/1961. The said Y.Venkatanna Choudhry died intestate, leaving behind his son Rama venkatanarayanan and the said person was in possession and enjoyment of the property and the petitioner is maintaining the said property as power agent. The petitioner would state that the said Rama Venkatanarayanan executed a registered will dated 20.02.2012, in his favour and accordingly, he is the absolute owner of the aforesaid property.

5.The petitioner would further state that the Commissioner of Chennai Corporation in reply to his application under Right to Information Act, stated that the said land belonged to Highways Department and the Highways Department granted the same to the Corporation for putting up a park. The Commissioner has also stated that the land was acquired by way of land acquisition.

6.According to the petitioner the said land was never acquired by way of land acquisition for Highways and that the second respondent who has no power to effect name transfer in favour of the Highways Department, when the private land has never been acquired. In this regard the petitioner has submitted a representation dated 9.5.2014 to the respondents. Since, the petitioner has not received any reply, has come forward with this Writ Petition for the aforesaid prayer.

7.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the case, the respondents are directed to consider the representation submitted by the petitioner dated 9.5.2014, and pass appropriate orders on merits and in accordance with law, after issuing notice to all the parties concerned who are likely to be aggrieved, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar
Dated:23.2.15

True Copy

Sub Assistant Registrar

To

- 1.The District Collector
Chennai District, Chennai 600001.
 - 2.The Tahsildar
Mylapore - Triplicant Taluk
Pasumpon Muthuramalingam Road
Mylapore, Chennai 600 028.
 - 3.The Commissioner
Chennai Corporation, Chennai 3.
 - 4.Divisional Engineer (H)
Chennai City Road Division
Highways Department, Chennai 600 006.
- +1 cc to Mr.J.Antony Jesus, Advocate,SR.8000.

sk(co)
krd 23/2

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