IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

Coram:

The Honourable MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3283 of 2015
and M.P.No.1 of 2015

1 Sheila Hareesh [Petitioners]
2 Luxmi Vasanji
3 Hareesh Vasanji
4 Dipti Sharad W/o.Mr.Sharad
5 M/s.Jain Housing and Constructions Ltd
rep by its Authorised Signatory
Mr.Chenaram Seni
No.82 Santhome High Road
MRC Nagar Chennai 600 028

Vs

1 The Secretary
Rural Development and Panchayat Raj Department
Secretariat Fort St.George
Chennai 600 009

2 The District Collector
Kancheepuram District Kancheepruam

3 The Tahsildar
Thiruporur Taluk Kancheepuram District

4 The Executive Officer
Padur Panchayat Kancheepuram District

5 Padur Panchayat
Rep by its President Padur Village
Kancheepuram District [Respondents]

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Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 5th respondent to conduct a survey through the District/ Taluk Surveyor to propertly demarcate the patta lands exclusively owned by the petitioners at Padur Village Thiruporur Taluk Kancheepuram District and the lands already gifted by the petitioners to the 5th respondent for the purposes of laying the road under the Gift Deed dated 17.10.2007 registered as Document No.9781/ 2007 before the Sub-Registrar Thiruporur and forbearing the 5th respondent herein from laying the road over and above the lands gifted thereto without following the due process of law.

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For Petitioner : Mr.T.Gowthaman
For Respondents : Mr.M.Digvijayapandian, AGP

O R D E R

Heard Mr.T.Gowthaman, learned counsel for the petitioner and Mr.M.Digvijayapandian, learned Additional Government Pleader for the respondents.

2. The petitioner seeks for a direction to the 5th respondent to conduct a survey through the District/ Taluk Surveyor to properly demarcate the patta lands exclusively owned by the petitioners at Padur Village, Thiruporur Taluk, Kancheepuram Distric,t and the lands already gifted by the petitioners to the 5th respondent for the purposes of laying the road under the Gift Deed dated 17.10.2007 registered as Document No.9781/ 2007 before the Sub-Registrar, Thiruporur and forbearing the 5th respondent herein from laying the road over and above the lands gifted thereto without following the due process of law.

3. According to the petitioners, they have formed a housing lay out and they have also executed a Gift Deed in favour of the 5th respondent, gifting the common areas such as road, park etc. The grievance of the petitioners is that the 5th respondent Panchayat is now attempting to lay a road by encroaching the petitioners patta lands. In this regard, a representation dated 12.01.2015 has been given and the same is pending before the official respondents.

4. In the light of the fact that the petitioners seek for proper demarcation of lands before the road is formed, it is appropriate for the 3rd respondent viz., the Tahsildar, Thiruporur to consider the petitioners objection/representation.

5. Accordingly, there will be a direction to the 3rd respondent to consider and pass orders on the petitioners representation dated 12.01.2015, on merits and in accordance with law, after notice to respondents 4 and 5 and the petitioner and after verifying the documents produced by the petitioners and also conducting survey in the property. The above direction shall be complied with within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

1 The Secretary
Rural Development and Panchayat Raj Department
Secretariat Fort St.George
Chennai 600 009

2 The District Collector
Kancheepuram District Kancheepruam

3 The Tahsildar
Thiruporur Taluk Kancheepuram District

4 The Executive Officer
Padur Panchayat Kancheepuram District

5 Padur Panchayat
Rep by its President Padur Village
Kancheepuram District

+ 1 cc Mr.T. Gowthaman, Advocate Sr.7014
+ 1 cc to Mr.Digvijayapandian, Advocate SR.6883
+ 1 cc to Government Pleader SR.7291

W.P.No.3283 of 2015

CKT(CO)
Eu 12.02.15

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