

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.Nos.39325 & 39326 of 2015
and M.P.Nos.1 & 1 and 2 of 2015

1.J.Snehalatha Reddy Petitioner in W.P.39325/2015

2.L.Prasanthi Reddy Petitioner in W.P.39326/2015

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Office of the Tahsildar,
Taluk Office Complex,
Tiruporur Taluk,
Kancheepuram District.

3.M.Bright Kennedy Respondents in both W.Ps

Common Prayer: Petitions filed under Article 226 of The Constitution of India praying to issue a writ of Certiorari, calling for the records pertaining to the notice of the second respondent herein in Na.Ka.No.331/2013/A2 dated 27.11.2015 and quash the same.

For Petitioners : Mr.AR.L.Sunderasan, SC
for

M/s.AL.Gandhimathi

For Respondent : Mr.V.Subbiah,

Nos.1 & 2 Spl. Government Pleader

For Respondent-3 : No Appearance

C O M M O N O R D E R

Heard the learned Senior counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents 1 & 2.

2.It appears to be the third round of litigation. Though in the earlier petition, the petitioner was not a party, this writ petition is filed at the instance of the third respondent. In W.P.No.25535 of 2015 dated 17.11.2015, this Court had passed the following order, after recording the counter affidavit filed by the fifth respondent:

"3.In the counter affidavit filed by the fifth respondent, it has been stated as under:

"22.It is submitted that due to errors done earlier and sub division were affected on their own way the entire survey number in FMB Sketch do not tally with revenue records properly. The alleged joint development agreement was done between the Olympia Group along with the land purchased by one Jayachandra Reddy family and got approved by Mamallapuram Development authority. The lands owned by Jayachandra Reddy family were sold by petitioner. Sub division notations now adopted in FMB as well as in revenue accounts differs in several cases. Further a portion of land was acquired for East Coast Road was shown as S.No.136/1B1B in FMB. The discrepancies between FMB sketches and revenue accounts have to be rectified. Now, the entire field has been measured with sophisticated equipment by survey staff. Based on that, entire FMB sketches and accounts have to be set right after enquiring all the pattadars with their ownership documents. After that, proposals for adopting correct extent on the basis of area error has to be done. For this process, it will take minimum six months to rectify things.

...

26.It is submitted that the directions of this Hon'ble Court has given an opportunity to rectify the defects in FMB sketches and revenue accounts. Now, the entire field has been surveyed with a team of survey officials for four days from 09.07.2015 to 13.07.2015. The entire survey was done as per ridges on ground and as well as enjoyment. This measurement practically do not tally with present sub division in revenue accounts. Now, next phase of action to rectify things has been proposed by calling all the land owners with their purchase documents for enquiry. The entire process will take a minimum time of six months ..."

4.Thus, in the light of the averments in the above said paragraphs, the writ petition stands disposed of by directing the fifth respondent to

conclude the said process within a period of three months from the date of receipt of this order. No costs. Consequently, the connected miscellaneous petition is closed."

In pursuant to the said order, the petitioner was asked to appear for enquiry either in person or through counsel. Challenging the said notice dated 27.11.2015, the present writ petitions have been filed.

3.The learned Senior counsel appearing for the petitioners submitted that the respondents cannot go beyond the direction of this Court issued earlier. He further submitted that the inspection and measurement done have been reduced to a report which forms a basis of the counter affidavit filed in the earlier litigation, had not been furnished to the petitioner so as to put his submissions and a very short date has been fixed, without affording time to the petitioners.

4.These matters cannot be sufficient to challenge the impugned order, however, it is only a notice requiring the petitioners to putforth their case. Therefore, this Court is not inclined to interfere with the same. However, considering the submissions made by the learned Senior counsel for the petitioners, if there is any report based upon the notice issued, is available with the second respondent, the same will have to be furnished to the petitioners, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, a further period of four weeks time will have to be given for the petitioners to appear for the enquiry. It is well upon to the petitioners to putforth all their contentions including the jurisdictional issue, which will have to be considered by the second respondent while passing appropriate orders apart from the earlier orders passed by this Court. The said exercise shall be concluded within a period of three months from the date of receipt of a copy of this order.

5.With the above observation and direction, these writ petitions are disposed of. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

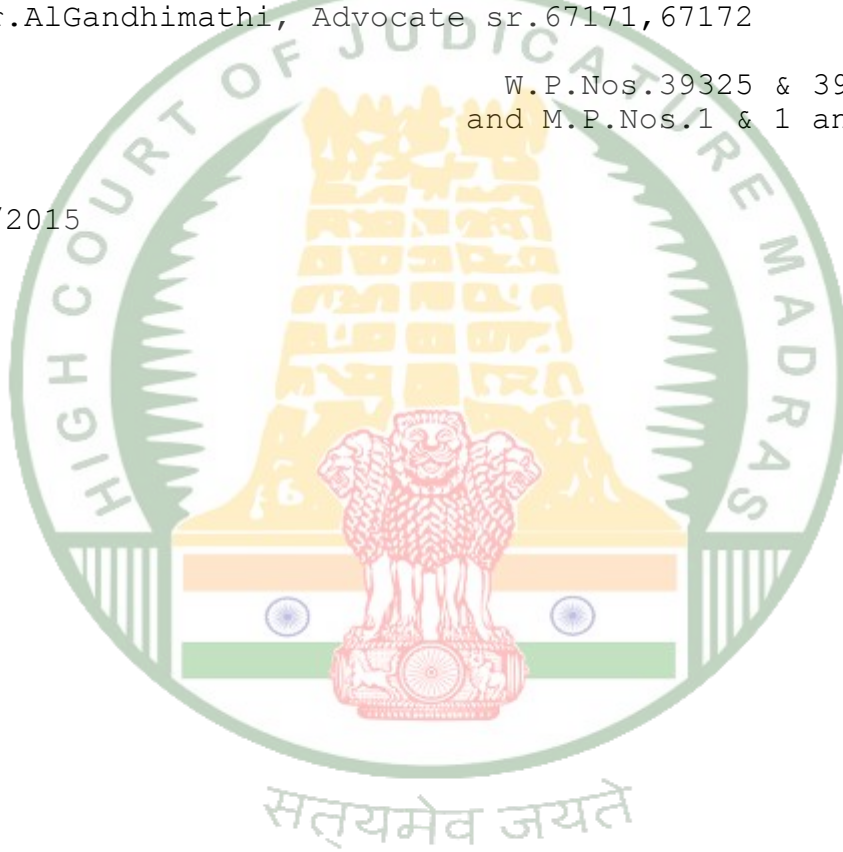
2.The Tahsildar,
Office of the Tahsildar,
Taluk Office Complex,
Tiruporur Taluk,
Kancheepuram District.

+1cc to The Government pleader Sr.67631,67199

+2cc to Mr.AlGandhimathi, Advocate sr.67171,67172

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srg 29/12/2015



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