

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.9010/2015

E.Dhanakkotti

Petitioner

Versus

1. The District Collector
Collectorate of kancheepuram
Kancheepuram District.
2. The District Superintendent of Police
Kancheepuram, Kancheepuram District.
3. The Tahsildar
Sriperumbudur Taluk Office
Sriperumbudur and Taluk
Kancheepuram District.
4. The Taluk Surveyor
Sriperumbudur Taluk Office
Sriperumbudur and Taluk
Kancheepuram.
5. K.Babu @ Janagi Raman
6. K.Thirunavukkarasu
7. K.Ravi

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the District Collector of Kancheepuram, Kancheepuram District, 1st respondent herein to instruct the Tahsildar, Sriperumbudur Taluk, Kancheepuram District and the Taluk Surveyor, Sriperumbudur Taluk, Kancheepuram District, the 3rd and 4th respondents herein to measure the petitioner's housing land as per the Sale Deed extent about 4480 sq.ft. survey No.430/1 situated at Pillaiyar Koil Street, Dhargas Village, Varadharajapuram, Sriperumbudur Taluk, Kancheepuram District, in presence of the police officials and issue patta on the basis of the petitioner's representation dated 30.01.2014.

For Petitioner : Mr.Dalit Tiger C.Ponnusamy
For RR 1 to 4 : Mr.M.L.Mahendran, GA

ORDER

Heard Mr.Dalit Tiger C.Ponnusamy, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate accepting for the respondents 1 to 4 and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage itself, notice to the respondents 5 to 7 is dispensed with and the merits of the allegations made by the petitioner as against the private respondents are not gone into and the same is left open to the official respondents to take note of the same.

3.The petitioner has filed this writ petition seeking for a direction upon the 1st respondent to direct the respondents 3 and 4 to measure the petitioner's housing land as per the Sale Deed extent about 4480 sq.ft. survey No.430/1 situated at Pillaiyar Koil Street, Dhargas Village, Varadharajapuram, Sriperumbudur Taluk, Kancheepuram District, in presence of the police officials and issue patta on the basis of the petitioner's representation dated 30.01.2014.

4.According to the petitioner, she is the absolute owner of the property and certain third parties attempted to intervene and grab the property. The petitioner submitted a complaint before the local police and since no FIR was registered, she filed a petition in CrI.OP.No.20196/2013 before this Court u/s.482 Cr.P.C., for a direction to the District Superintendent of Police, Kancheepuram District to direct the Inspector of Police [District Crime Branch], Kancheepuram, to take appropriate legal action and register a case against the respondents 5 to 7 herein, viz., K.Babu @ Janagi Raman, K.Thirunavukkarasu and K.Ravi, who were impleaded as respondents 3 to 5 in the said Criminal Original Petition. The said petition was disposed of by this Court vide order dated 12.08.2013, directing the petitioner to furnish a copy of the complaint to the Inspector of Police, District Crime Branch, Kancheepuram and on receipt of the same, the Inspector of Police, was directed to conduct enquiry into the complaint. It is stated that the enquiry is still pending before the District Crime Branch. In the interregnum, the petitioner seeks for measuring the property so as to ascertain the four boundaries and the total extent. According to the petitioner, it is the direction issued by the police they have sought for such a relief.

5.From the typed set of papers, it is seen that the petitioner submitted a representation dated 30.01.2014 to the Hon'ble Chief Minister Special Cell, which has been acknowledged on the same day and forwarded to the competent authority to give appropriate reply within a period of fifteen days. This is evident from the Seal affixed in the said representation. That apart, it is seen that the date seal of the Office of the Tahsildar, Sriperumbudur, dated 31.01.2014 is also found in the representation dated 30.01.2014.

6. In the light of the above, there will be a direction to the petitioner to submit a fresh representation along with a copy of this order to the 3rd respondent requesting for survey of the property. Along with the said representation, apart from enclosing a copy of this order, the petitioner shall enclose all other relevant records in support of her claim. On receipt of such a representation from the petitioner, the 3rd respondent shall enquire into the matter, after issuing notice to the petitioner as well as to the respondents 5 to 7 and thereafter, pass orders on merits and in accordance with law within a period of three weeks from the date of receipt of the representation from the petitioner.

7. The writ petition is disposed of with the above direction. No costs.

AP

-s/d-
Assistant Registrar (CS-II)
Dt: 8/4/2015

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Collectorate of kancheepuram
Kancheepuram District.
2. The District Superintendent of Police
Kancheepuram, Kancheepuram District.
3. The Tahsildar
Sriperumbudur Taluk Office
Sriperumbudur and Taluk
Kancheepuram District.
4. The Taluk Surveyor
Sriperumbudur Taluk Office
Sriperumbudur and Taluk
Kancheepuram.

+ 1 cc to Mr. Dalit Tiger C. Ponnusamy, Advocate SR 17597

+ 1 cc to the Govt. Pleader High Court, Madras SR 17920

gr(co)
prk9/4

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