

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-02-2015

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

Writ Petition No. 19120 of 2013
and
M.P. No. 1 of 2013

V. Devi

.. Petitioner

Versus

1. The State of Tamil Nadu
rep. by its Secretary
Municipal Administration and Water
Supply Department
Secretariat, Fort St. George
Chennai - 600 009
2. The Commissioner
Municipal Administration
Chepauk, Chennai - 600 005
3. The District Collector
Kancheepuram District
Collectorate
Kancheepuram
4. The District Revenue Officer
Collectorate
Kancheepuram
5. The Assistant Director
Survey and Land Records
Chennai
6. The Chennai Metropolitan Development
Authority
rep. by its Member Secretary
Egmore, Chennai
7. The Tambaram Municipality
rep. by its Commissioner
Chennai - 600 045
8. The Commissioner
Tambaram Municipality
Chennai - 600 045

.. Respondents 1to8

petitioner or in the alternative convey a suitable alternative site of equal value measuring an extent of 1680 square feet for the petitioners land in Survey No.183/4 measuring an extent of 1680 square feet situated at Selaiyur Village, Tambaram, bearing No.173 from and out of the total extent of 21 cents in the Registration District of South Chennai, Tambaram Sub District, Kancheepuram District.

For Petitioner : Mr. M.N.S. Mohamed Habeeb Raja

For Respondents: Mr. V. Jayaprakash Narayanan
Special Government Pleader for RR1 to 5
Mr. A. Kumar for R6
Mr. P. Srinivas for RR7 and 8

ORDER

The petitioner has come forward with this writ petition praying for issuance of a Writ of Mandamus to direct the respondent 7 and 8 to provide compensation to her or in the alternative convey a suitable land of equal value measuring an extent of 1680 square feet in lieu of the petitioners land in Survey No.183/4 measuring an extent of 1680 square feet situated at Selaiyur Village, Tambaram, bearing No.173.

2. Heard the counsel for the parties and perused the records. According to the learned counsel for the petitioner, Tambaram Municipality is an encroacher of the land of the petitioner. The petitioner has also given a representation dated 05.07.2013 to the respondents 7 and 8 but so far no action has been taken. In the said representation, the petitioner has requested the respondents 7 and 8 to either grant compensation or convey an alternative site for equal value.

3. The learned counsel for the respondents 7 and 8 would submit that the land in question does not belong to the petitioner, but it is a temple land.

4. The above said dispute as regards the ownership of land cannot be gone into by this Court in this writ petition. However, this Court is of the view that the third respondent - District Collector, Kancheepuram shall ascertain as to whether the land in question belong to the petitioner or it is classified as temple land in the revenue records, and if the land belong to the petitioner, whether it was encroached upon by the respondents 7 and 8.

5. Accordingly, the third respondent is directed to consider the dispute raised by the petitioner upon perusal of the revenue records relating to the land in question. It is made clear that the third respondent shall issue notice to the petitioner as well as the

respondents 7 and 8 before taking any decision and thereafter pass a reasoned order within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsh

To

1. The State of Tamil Nadu
rep. by its Secretary
Municipal Administration and Water
Supply Department
Secretariat, Fort St. George
Chennai - 600 009
2. The Commissioner
Municipal Administration
Chepauk, Chennai - 600 005
3. The District Collector
Kancheepuram District
Collectorate
Kancheepuram
4. The District Revenue Officer
Collectorate
Kancheepuram
5. The Assistant Director
Survey and Land Records
Chennai
6. The Chennai Metropolitan Development
Authority
rep. by its Member Secretary
Egmore, Chennai
7. The Tambaram Municipality
rep. by its Commissioner
Chennai - 600 045
8. The Commissioner
Tambaram Municipality
Chennai - 600 045

- + 1 cc to M/s. Mrs. Mohamed Habeeb Raja, Advocate SR.
+ 1 cc to Government Pleader Sr.6969
+ 1 cc to Mr.P. Srinivas, Advocate Sr.7036

WP No. 19120 of 2013

AD (CO)

<https://hcservices.ecourts.gov.in/hcservices/>

Eu 29.02.13