

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10516 of 2016

K.Narasimma Reddy

... Petitioner

Vs.

1.The Additional Chief Secretary &
Commissioner of Land Administration,
Chepauk, Chennai.

2.The District Collector,
Office of the Collectorate,
Chennai.

3.The Assistant Executive Engineer,
Zone 13 (Velacherry),
Corporation of Chennai,
Chennai.

4.The Tahsildar,
Velacherry Taluk,
(Earlier Mambalam Guindy Taluk),
Chennai.

5.The Village Administrative Officer,
Velacherry Village,
Chennai.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to act on the recommendations of the second respondent dated 17.7.2015 vide letter No.E2/4320/2015, to correct the mistakes relating to reclassification of the land to an extent of 2335 sq.ft. in T.S.No.13 of block No.186 of Velacherry Village from sarkar poramboke land to ryotwari land.

For Petitioner : Ms.Shobana Ramasubramanyan

For Respondents : Mr.S.Pattabiraman,
Govt. Advocate.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to act on the recommendations of the second respondent dated 17.7.2015 vide letter No.E2/4320/2015, to correct the mistakes relating to reclassification of the land to an extent of 2335 sq.ft. in T.S.No.13 of block No.186 of Velacherry Village from sarkar poramboke land to ryotwari land.

3. The case of the petitioner, in brief, is as follows:-

(a) The petitioner is the bona fide purchaser of the property bearing plot Nos.1 (part) and 2 forming part of a layout named as Vadivel Nagar Extension, having purchased the same under a registered deed of sale dated 13.10.2011 vide document No.5729/11 in the office of the SRO, Velacherry, which forms part of an area of larger extent originally comprised in Survey No.335/1 and presently subdivided as Survey No.335/4, situated at No.137, Velacherry Village. Originally, Plot Nos.1 and 2 had an extent of 11 cents, out of which 5 cents of land was acquired by the Highways Department for forming road and the remaining 6 cents of land was purchased by the petitioner. The four boundaries of his property viz., Plot Nos.1 (part) and 2 are:- on the northern side - the property belonging to one Pavarlal and now owned by Mahindra Car showroom, on the southern side - 20 feet wide road, on the eastern side - a portion of Plot No.1 originally owned by the petitioner's predecessor in title and then acquired by the Government for public purpose and on the western side - Plot Nos.3 and 4, owned by the petitioner's wife.

(b) Since the petitioner wanted to develop his land into a dwelling / commercial unit, he approached the fourth respondent seeking patta by submitting an application dated 5.7.2012. But, it was informed by the officials that since there is a public road running on the northern side of his property, patta could not be given to his property. Further, he was informed that the details of the measurements shown in the sale deed do not tally with the measurements in the revenue records, presently maintained by the first respondent. When the petitioner

approached the first respondent to ascertain the same, he was informed that a town survey had been done in the past year by the first respondent and at that time, new survey number had been allotted to the plots. In that process, the petitioner's property in Plot Nos.1 (part) and 2 had been allotted T.S.No.14 and Plot Nos.3 and 4 had been allotted T.S.Nos.15 and 16 respectively. In that process, a portion of the petitioner's property in Plot No.1 had been wrongly earmarked as a separate piece of land and a new T.S.No.13 had been allotted to that and that piece of land having a width of 6 meters had also been christened as sarkar poramboke. The northern side of Plot Nos.1 to 4 originally measuring 19.2 meters had been shrunk into 13.2 meters and the difference of 6 meters had been mistakenly entered as a public road comprised in T.S.No.13 and the same had been recorded as Government Poramboke. Therefore, he approached all the respective authorities to correct this administrative error. Further, after gathering all the details, he gave a representation to the second respondent on 5.5.2015, who in turn, forwarded the same to the first respondent on 12.8.2015.

(c) Thereafter, it was admitted by the second respondent in their letter dated 17.7.2015 that a mistake had occurred in mentioning the property in T.S.No.13 and the same needs to be corrected in the town survey records maintained by the first respondent. Unfortunately, the first respondent has not acted on these recommendations of the second respondent till date. In view of the administrative mistake, the petitioner is unable to utilize his property. However, the respondents have not taken any steps to correct the mistake. Hence, the petitioner has come up with the present writ petition seeking a direction to the first respondent to act on the recommendations of the second respondent dated 17.7.2015 vide letter No.E2/4320/2015, to correct the mistakes relating to reclassification of the land to an extent of 2335 sq.ft. in T.S.No.13 of block No.186 of Velacherry Village from sarkar poramboke land to ryotwari land.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a detailed representation to the first respondent by giving all the necessary details, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the first respondent is directed to consider the said representation and pass appropriate orders / take necessary action on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of four weeks

thereafter. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Additional Chief Secretary &
Commissioner of Land Administration,
Chepauk, Chennai.
- 2.The District Collector,
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- 3.The Assistant Executive Engineer,
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- 4.The Tahsildar,
Velacherry Taluk,
(Earlier Mambalam Guindy Taluk),
Chennai.
- 5.The Village Administrative Officer,
Velacherry Village,
Chennai.

+ 1 cc to Ms.Shobana Ramasubramanyan, Advocate Sr 18671

+ 1 cc to The Govt.Pleader, Sr 18059

KR/4/4/16

W.P.No.10516 of 2016