

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.11272 of 2016

D.Valli (a) Valliammal

... Petitioner

vs.

1.The District Collector,
O/o.The District Collector,
Thiruvallur & District.

2.The Tahsildar,
Ambattur Taluk Office,
Ambattur Taluk,
Thiruvallur District.

3.S.Kamala

... 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 direct the second respondent herein to issue notice to all the parties concerned including the third respondent herein as per the Land Survey and Boundaries Act under Section 9 to 11 and may be surveyed and may be earmarked the boundaries and issue patta in respect of the property in Plot No.239 in Sriram Nagar layout comprised in Survey No.163/1, 2 and 3 situated in Thirumullaivayil Village, Ambattur Taluk, Thiruvallur District to an extent of 1800 sq.ft. on the basis of the petitioner's representation dated 7.3.2015.

For Petitioner : Mr.Dalit Tiger C.Ponnusamy

For Respondents : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader,
for R.1 and R.2

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to direct the second respondent herein to issue notice to all the parties concerned including the third respondent herein as per Sections 9 to 11 of the Land Survey and Boundaries Act and to survey and earmark the boundaries and issue patta in respect of

the property in Plot No.239 in Sriram Nagar layout comprised in Survey No.163/1, 2 and 3 situated in Thirumullaivayil Village, Ambattur Taluk, Thiruvallur District measuring to an extent of 1800 sq.ft. on the basis of her representation dated 7.3.2015.

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

(a) The petitioner purchased a property in Plot No.239 in Sriram Nagar layout comprised in Survey No.163/1, 2 and 3 situated in Thirumullaivayil Village, Ambattur Taluk, Thiruvallur District measuring to an extent of 1800 sq.ft. under a registered sale deed vide document No.8359 of 2009 on the file of the SRO, Ambattur for a valid sale consideration of Rs.3,60,000/- from one T.V.Mani and his wife S.Nirmala through their power of attorney M.Mohan. Thereafter, she started construction of a house in the said plot in the year 2008 and because of non-availability of sufficient funds, she could not complete the construction fully.

(b) While so, all of a sudden, on 1.8.2015, the third respondent herein, who is the adjacent plot owner, in order to grab the petitioner's property, along with her husband P.V.Murali and some anti social elements, disturbed her possession and threatened her with dire consequences. Hence, the petitioner stopped the construction work. Thereafter, she made an application dated 3.8.2015 to the Tahsildar of Ambattur, the second respondent herein to measure her property through the Surveyor. But, the second respondent did not do so. However, on 28.8.2015, the third respondent along with the Tahsildar of Ambattur and the Surveyor measured the land and fixed the wire-fence with black stone. Thereafter, the petitioner made a representation dated 3.9.2015 through her counsel to the respondents 1 and 2 for measuring her land. But, the same was also not considered.

(c) Again, all of a sudden, on 23.9.2015, the third respondent and her husband P.V.Murali along with their hench men came there and demolished her house and had stolen 40 sovereigns of gold, cash of Rs.3,00,000/- and household articles. Hence, the petitioner's daughter in law lodged a complaint with the police and the same was received and CSR No.709/T.10PS/2015 has been assigned. Thereafter, third respondent has also lodged a complaint and the same was registered in Crime No.755 of 2015.

(d) The third respondent is taking the law in her own hands and illegally attempting to interfere with the petitioner's peaceful possession over the said property. Therefore, the petitioner filed a suit in O.S.No.109 of 2016 before the learned District Munsif, Ambattur. Along with the said suit, the

petitioner filed a petition for interim injunction and the same is pending.

(e) Even though the petitioner met the second respondent herein in person for several times to get patta for her property after measuring the same, the second respondent has not all considered her request. In this regard, the petitioner sent a representation dated 7.3.2015 to the respondents 1 and 2. Since the same was also not considered, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents 1 and 2.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the the second respondent to conduct an enquiry on the representation of the petitioner dated 7.3.2015 with regard to issuance of patta in respect of the property in Plot No.239 in Sriram Nagar layout comprised in Survey No.163/1, 2 and 3 situated in Thirumullaivayil Village, Ambattur Taluk, Thiruvallur District, measuring to an extent of 1800 sq.ft., by affording an opportunity of personal hearing to the petitioner as well as to the third respondent and other necessary parties, if any and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. 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 second respondent to consider the claim of the petitioners strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sbi

To

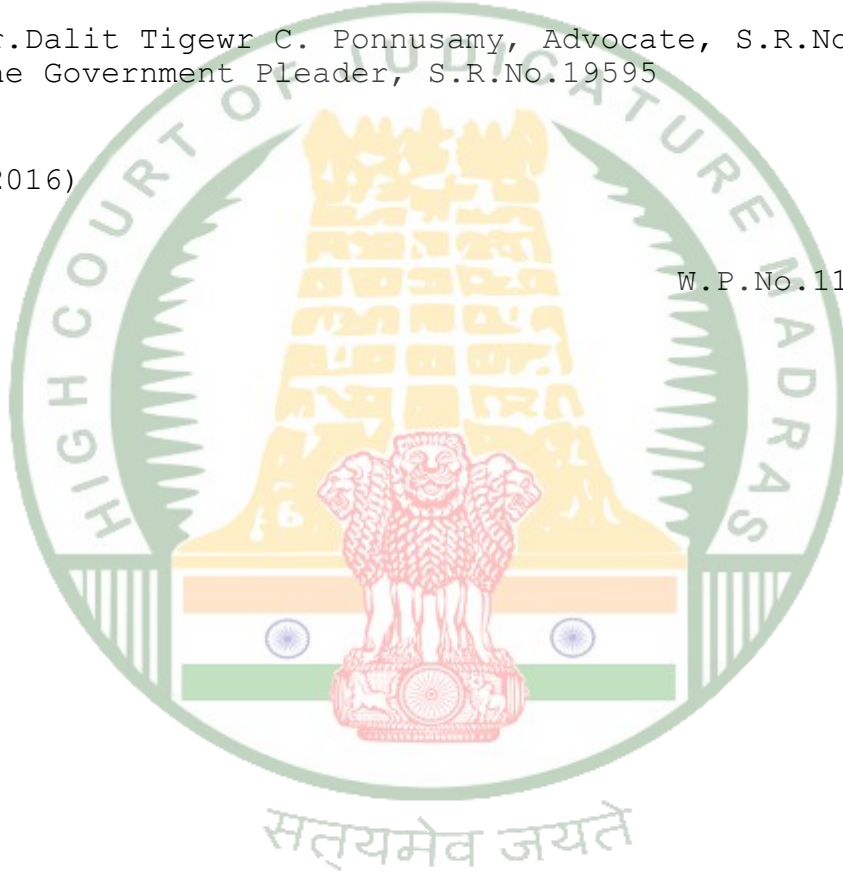
1.The District Collector,
O/o.The District Collector,
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2.The Tahsildar,
Ambattur Taluk Office,
Ambattur Taluk,
Thiruvallur District.

+lcc to Mr.Dalit Tigewr C. Ponnusamy, Advocate, S.R.No.18982
+lcc to the Government Pleader, S.R.No.19595

ALA(CO)
EU(11/04/2016)

W.P.No.11272 of 2016



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