

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.14076 of 2016

1.G.Raguraman
2.V.Parvathy
3.K.Kuppu Rao
4.R.Sankaran

... Petitioners

vs.

1.The Executive Engineer,
Tamil Nadu Housing Board,
K.K.Nagar Division,
Chennai-83.

2.The Tahsildar,
Mambalam - Guindy Taluk,
K.K.Nagar Division,
Chennai-78.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to inspect the property for demarking the boundaries of Bharathidasan Colony and petitioners' property in Netaji Nagar in Survey No.343/3 based on the letter of the first respondent dated 29.1.2016 within the time frame that may be fixed by this Court.

For Petitioners : Mr.M.A.R.Pragash
For Respondents : Mr.V.Anandha Murthy,
for R.1
Mrs.P.Rajalakshmi,
Govt. Advocate,
for R.2

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ORDER

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

2. The petitioners have come up with the present writ petition for a mandamus, directing the second respondent to inspect the property for demarking the boundaries of Bharathidasan Colony and their property in Netaji Nagar in Survey No.343/3 based on the letter of the first respondent dated 29.1.2016 within the time frame that may be fixed by this Court.

3. It is the case of the petitioners that they purchased a flat in Plot No.7, Netaji Nagar 1st Street, Jafferkanpet, Chennai-83, through a registered sale deed in the year 1990. The adjacent land is owned by the first respondent. The boundaries of the petitioners' land as well as the land belonging to the first respondent are not earmarked. Hence, after purchase, the petitioners made several request and reminders to the first respondent to fix the corner stone enabling them to maintain their property. Further, they came to know that the first respondent had occupied some extent of land purchased by the petitioners. Therefore, they made several representations to the first respondent to remove the encroachment, if any, and to earmark their property as per the sale deed. After persistent request, the first respondent informed them that he was prepared to fix the boundaries with the help of the second respondent. Thereafter, on 29.1.2016, the first respondent sent a letter to the second respondent to fix the date for inspection of the property. Though the second respondent received the letter from the first respondent, till date, he has not given any date for inspection of the property. Hence, left with no other alternative, the petitioners have come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioners and the learned counsel appearing for the first respondent and the learned Government Advocate, who has taken notice on behalf of the second respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioners, this Court directs the second respondent to conduct an enquiry based on the letter of the first respondent dated 29.1.2016 regarding the inspection for demarking the boundaries of Bharathidasan Colony and the petitioners' property in Netaji Nagar in Survey No.343/3, in the presence of the petitioners as well as the officials of the first respondent / Tamil Nadu Housing Board, and pass appropriate orders / take appropriate action, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The

writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

1.The Executive Engineer,
Tamil Nadu Housing Board,
K.K.Nagar Division,
Chennai-83.

2.The Tahsildar,
Mambalam - Guindy Taluk,
K.K.Nagar Division,
Chennai-78.

+1 cc to Government pleader sr.23839

+1 cc to M/s.V.Anandhamoorthy Advocate sr.23798

+1 cc to Mr.M.A.R.Pragash Advocate sr.23635

W.P.No.14076 of 2016

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