

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 23866 of 2016

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1. S. Lakshmi
2. S. Uma
3. S. Damayanthi
4. M. Parameshwari

.. Petitioners

Versus

1. The Commissioner of Land Administration
2nd Floor, Ezhilagam Building
Chepauk, Chennai - 600 005
2. The Collector
Chennai District
Singaravelan Maligai Building
Rajaji Salai, Chennai - 600 001
3. The District Revenue Officer
Chennai District
Singaravelan Maaligai Building
Rajaji Salai, Chennai - 600 001
4. The Assistant Director of Land Survey & Land Records
7th Floor, Chennai Collector Building
Singaravelan Maaligai
Rajaji Salai, Chennai - 600 001
5. The Tahsildar
Perambur Taluk Office
Perambur, Chennai - 600 011

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 5 to assign a separate Town Survey Number to the Old Survey No.131/part and to remove the wrong entry of the file

T.R. Number 2326/06-07 in the Town Survey Land Registry.

For Petitioners : Mr. S. Lokesh

For Respondents : Mr. A. Kumar
Special Government Pleader

ORDER

. The petitioners seek for issuance of a Writ of Mandamus directing the respondents 1 to 5 to assign a separate Town Survey Number to the Old Survey No.131/part and to remove the wrong entry of the file T.R. Number 2326/06-07 in the Town Survey Land Registry.

2. The case of the petitioners is that the first petitioner is the owner of the land in question which was settled in his favour by way of a registered settlement deed dated 14.10.2011 registered as document No. 4660 of 2011. On such ownership, the first petitioner submitted an application on 19.03.2015 to the fifth respondent to mutate his name in the Town Survey Land Registry in respect of the land in question. However, the first respondent, by a communication dated 14.07.2015, refused to entertain such request on the ground that the land comprised in Survey No.2 was allotted to Old Survey No.129/part and also to Old Survey No.131/part. According to the petitioner, the fifth respondent failed to correct the erroneous entries crept in the revenue records and therefore, he sent a representation dated 11.08.2015 to the respondents to rectify the entries made in the Town Survey Land Register by assigning a new Town Survey Number to the land in Old Survey No.131/part by removing the erroneous entries contained in the revenue records. On receipt of the said representation, the first respondent

forwarded it to the fourth and fifth respondents to take necessary action. The fourth respondent in turn forwarded the same to the fifth respondent for rectification of the errors. The fifth respondent in turn directed the Deputy Surveyor of Perambur Taluk to conduct a Land Survey and submit a report. However, neither a survey was conducted nor a report has been filed by the Deputy Surveyor as directed by the fifth respondent. The petitioners have therefore sent a notice dated 07.02.2016 to the respondents through their advocate for which also, no action has been taken. The petitioners have therefore come up with this writ petition praying for the relief stated above.

3. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents and perused the records. The learned Special Government Pleader appearing for the respondents would contend that earlier, the claim of the petitioner was rejected by the fifth respondent by a proceeding dated 14.07.2015. As against the same, the petitioner has filed a statutory appeal to the third respondent on 11.08.2015. The third respondent entertained the appeal and by a communication dated 13.10.2015 called upon a report from the fifth respondent. According to the learned Special Government Pleader for the respondents, the fifth respondent is yet to submit his report and the appeal filed by the petitioner is still pending.

4. Having regard to the above facts and circumstances of the case and the fact that the appeal preferred by the petitioner is pending before the third respondent as against the order dated 13.10.2015 of the fifth respondent, the third

respondent is directed to take up the appeal preferred by the petitioner and to dispose of the same on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is accordingly disposed of.
No costs.

12.12.2016

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Index : Yes / No

Internet : Yes / No

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B. RAJENDRAN, J

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