

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.16294 of 2016

S.Parvathy Ammal

... Petitioner

vs.

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The Tahsildar,
Sriperumbudur Taluk,
Kanchipuram District.

... 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 consider the petitioner's application dated 07.04.2016 and consequently directing the second respondent to survey the land in respect of S.Nos.110 and 111 situated at Salamangalam Village, Sriperumbudur Taluk, Kanchipuram District.

For Petitioner : Mr.M.Aswin for Mr.G.Kaviyarasu

For Respondents : Mrs.M.E.Rani Selvam, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to consider her application dated 07.04.2016 and to survey the land in S.Nos.110 and 111 situated at Salamangalam Village, Sriperumbudur Taluk, Kanchipuram District.

2. It is the case of the petitioner that she is aged about 81 years and is the owner of the land measuring to an extent of 4.14 acres in S.Nos.111 and 110 at Salamangalam Village, Sriperumbudur Taluk, Kanchipuram District. Originally, the property measuring to an extent of 20.72 acres was purchased by one Narasinga Chettiyar, who registered the same in favour of his second son Parthasarathy. After the demise of the said

Narasinga Chettiyar, his five sons had equally partitioned the property among themselves. After the death of one of the five sons viz., Manikam, his share was succeeded by his sons viz., Dharmalingam and Jeganathan, who inturn, sold the property measuring 4.14 acres to their sister Chellammal vide a registered sale deed bearing Nos.3122 and 3123 of 1984. Thus, the said Chellammal became the absolute owner of the property and she also transferred all the revenue records pertaining to the property in her name.

3. It is further case of the petitioner that after the demise of said Chellammal on 04.03.1983, the said property was succeeded by her husband, who again married the petitioner herein. Thereafter, the petitioner succeeded the property, since her husband died. From that date onwards, the petitioner has been in continuous possession and enjoyment of the property. She has also transferred all the revenue records pertaining to the property in her name. Thereafter, she has appointed one Robinson as her power agent in respect of the property measuring to an extent of 3.88 cents for the purpose of development. The said power agent duly obtained approval and sold some portion of the same. However, due to improper submission of the accounts, the said power of attorney was cancelled by the petitioner vide a registered document. Subsequently, she has executed another power of attorney, appointing one Gopi as her power agent vide Document Nos.1728 and 1729 of 2011 registered on the file of the Sub Registrar Office, Sriperumbudur. In such circumstances, she made an application dated 07.04.2016 to the second respondent to survey her land in S.Nos.110 and 111 at Salamangalam Village, Sriperumbudur Taluk, Kancheepuram District and the same is pending without any progress. Therefore, the petitioner has filed the present writ petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

5. Considering the facts and circumstances of the case, this Court directs the second respondent to consider the application of the petitioner dated 07.04.2016, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders, with regard to survey the land of the petitioner in S.Nos.110 and 111 situated at Salamangalam Village, Sriperumbudur Taluk, Kancheepuram District. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the second respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.
rk

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Kanchipuram District,
Kanchipuram.

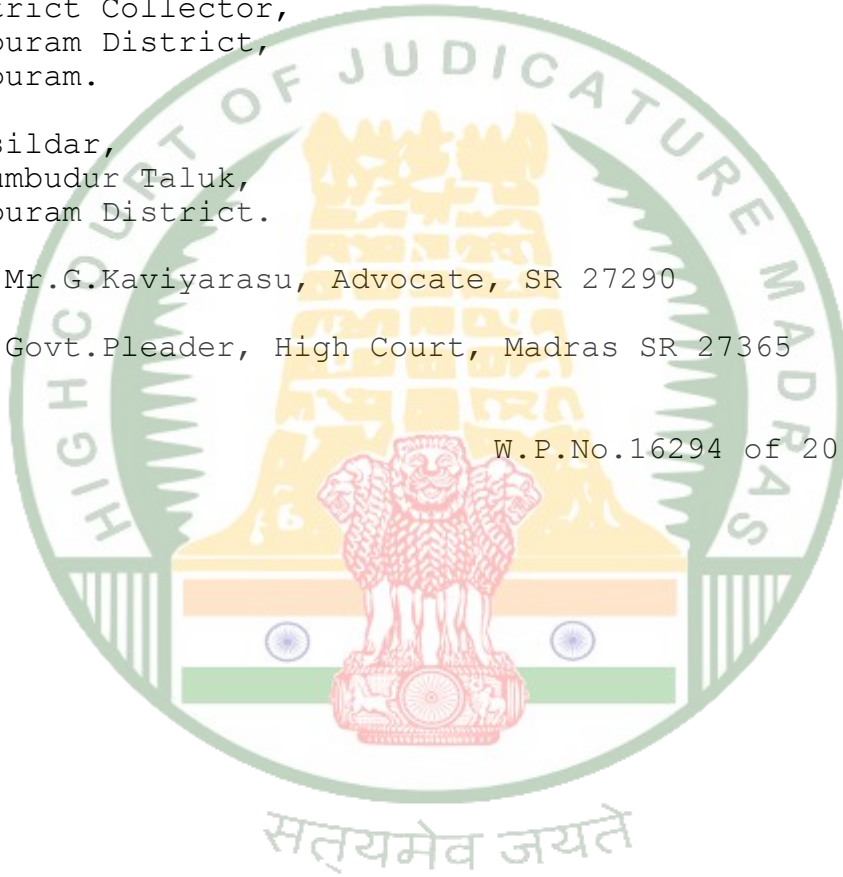
2.The Tahsildar,
Sriperumbudur Taluk,
Kanchipuram District.

+ 1 cc to Mr.G.Kaviyarasu, Advocate, SR 27290

+ 1 cc to Govt.Pleader, High Court, Madras SR 27365

svi(co)
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