

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21913/2016 & WMP.No.18755/2016

N.Sadasivam

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Petitioner

Versus

1.The Commissioner
Survey & Settlement,
Survey House, Chepauk
Chennai 600 005.

2.The District Collector
Kancheepuram District,
Kancheepuram.

3.The Regional Deputy Director
Survey and Land Records
Chepauk, Chennai 600 005.

4.The Assistant Director
P.A. [Survey] to Collector
of Chennai, Survey and Land Records
Collectorate Building, Rajaji Salai
Chennai 600 001.'

5.The Assistant Director
Survey and Land Records
Kancheepuram.

6.The Special Tahsildar
Town Survey Settlement
Kancheepuram Municipality
Kancheepuram.

7.Mr.Gangadharan

8.Mr.Murali

9.J.Sumathi

10.S.Kalaiarasi

11.S.Gowthamo

12.N.Jayakumar

13.G.Arul

14.K.Palani

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents 1 to 6 to take necessary action against the respondents 7 and 8 for altering illegally in the Town Survey Sketch, situated at Door No.6F, Damalvar Street, Kancheepuram, comprised in Old Town Survey No.1420 and New Town Survey No.1419/3 and 1433/8, to an extent of 70 sq.ft. [6.50 sq.mtr.], out of 1400 sq.ft. [130 sq.mtrs] and pathway, to an extent of 5 feet width and 28 feet length in S.No.1433/96 and consequently direct the respondents 1 to 6 to restore the same as maintained earlier.

For Petitioner : Mr.R.Thanjan
For R1 to R6 : Mr.R.Govindasamy,
Special Government Pleader

ORDER

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

2 The petitioner along with his brothers, viz., Dayalan, Mani, Anbazhagan and Venkatesan, claims to be the joint owners and are in possession and enjoyment of the property situated at Door No.6F, Damalvar Street, Kancheepuram District, comprised in Old Town Survey No.1420 and new Town Survey Nos.1419/3 and 1433/8 and there is a common passage in S.No.1433/96, admeasuring to a width of 5 feet and the adjacent owners, namely, Sumathi, Kalaiarasi, Arul, Gowthami, Jayakumar and Palani, have commence the construction work by encroaching upon the common passage and the same has been done without the knowledge and consent of the respondents 1 to 4 and in this regard, the petitioner has submitted a representation dated 29.02.2016 to the respondents and since no response is forthcoming, the petitioner came forward to file the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 6.

5 A perusal of the typed set of documents filed in support of this writ petition, would disclose that having submitted the representation to the respondents, there is no acknowledgment available.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, permits the petitioner to submit one more representation along with a copy of this order as well as the copy of the earlier representation, within a period of two weeks from the date of receipt of a copy of this order to the 6th respondent and on receipt of the same, the 6th respondent is directed to consider the said representation on merits and in accordance with law, after putting on notice the private respondents, viz., respondents 9 to 15 and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner as well as to the private respondents herein.

6 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

- 1.The Commissioner
Survey & Settlement,
Survey House, Chepauk
Chennai 600 005.
- 2.The District Collector
Kancheepuram District,
Kancheepuram.
- 3.The Regional Deputy Director
Survey and Land Records
Chepauk, Chennai 600 005.
- 4.The Assistant Director
P.A. [Survey] to Collector
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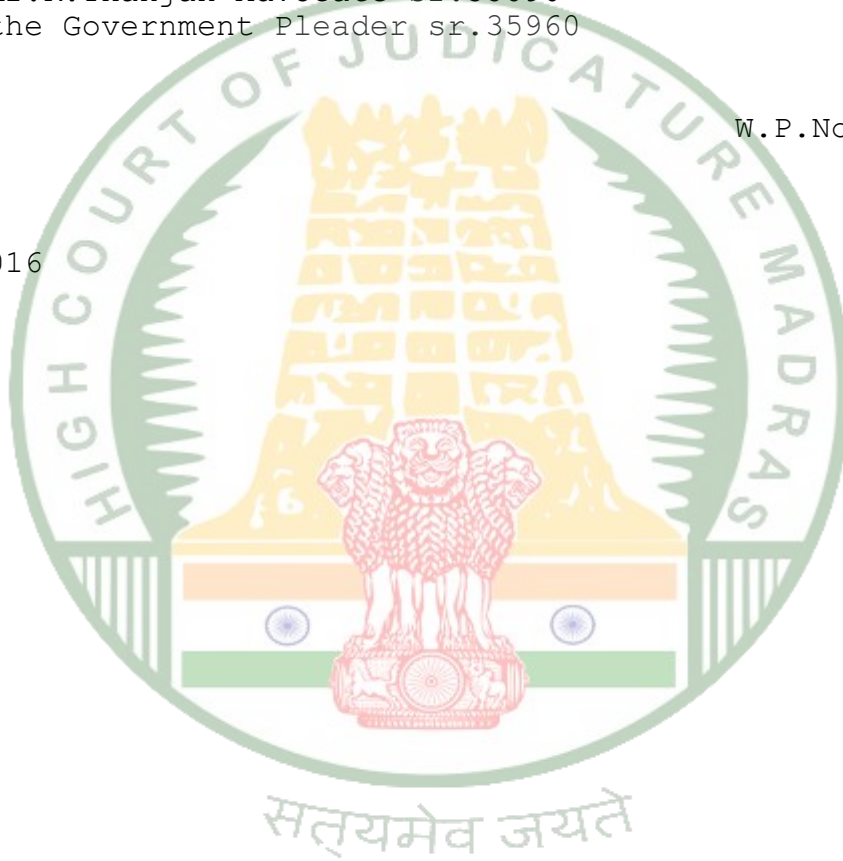
5.The Assistant Director
Survey and Land Records
Kancheepuram.

6.The Special Tahsildar
Town Survey Settlement
Kancheepuram Municipality
Kancheepuram.

+1 cc to Mr.R.Thanjan Advocate sr.35890
+1 cc to the Government Pleader sr.35960

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