

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.29626 of 2016

and W.M.P.No.25656 of 2016

D.Ganesan ...Petitioner

-Vs-

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Office of the Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District,
Kancheepuram.

3.RamachandranRespondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from putting up any road within the petitioner's property comprised of house ground and premises bearing Door No.84 Durgai Amman Koil street, Old Village No.214, New Village No.129, Ezhichoor Village, Sriperumbudur Taluk, Kancheepuram District comprised in Old Survey No. 267/ 1B and New Survey No. 267/8 in all measuring 1608 square feet within the Sub-Registration District of Wallajahbad and within the registration District of Kancheepuram in any manner either by himself, his workmen, agents, representatives, and assigns etc.

For Petitioner : Mr.D.Ashok Kumar
For Respondents: Mr.S.Navaneethan,
Addl. Government Pleader
[R1 & R2]

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. Mr.D.Ashok Kumar, learned counsel appearing for the petitioner would submit that the petitioner is in possession and enjoyment of the house site and the superstructure therein bearing Door No.84, Durgai Amman Koil Street, Old Village No.214, New Village No.129, Ezchichoor Village, Sriperumbudur Taluk, Kancheepuram District, comprised in Old Survey No.267/1B and New Survey No.267/8 admeasuring to an extent of 1608 sq. ft., and it was purchased by him through a registered sale deed, bearing Document No.3836 of 2003, dated 17.12.2003, registered on the file of the office of the Sub Registrar, Wallajahbad. It is the further submission of the learned counsel appearing for the petitioner that the second respondent, taking advantage of the fact that he is the President of the local body, through an illegal manner, decided to put up a road across his properties and in this regard, he has submitted a compliant to the Inspector of Police, Oragadam Police Station, Kancheepuram District on 16.08.2016, and also submitted an application to the second respondent on 19.08.2016 for survey and measurement of his property by paying necessary fees. It is contended by the learned counsel appearing for the petitioner that since the third respondent taking advantage and misuse of his position as the President of the local body, trying to interfere with the peaceful possession and enjoyment of the property, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. Heard the submission of Mr.S.Navneethan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and he would submit that admittedly, the petitioner did not submit any representation either to the first respondent or to the second respondent and through an application dated 19.08.2016, submitted to the second respondent, he merely prayed for survey and measurement and therefore, the prayer sought for by the petitioner cannot be granted.

4. This Court has considered the rival submissions and also perused the materials placed before this Court.

5. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the second respondent to consider and dispose of the petitioner's application dated 19.08.2016 for survey and measurement of his land in accordance with law, after putting on notice the persons

concerned and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the persons concerned.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsm

To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildar,
Office of the Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District,
Kancheepuram.

+1 cc to Mr.D.Ashok Kumar Advocate sr 48754

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