

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.40204 of 2016

D.Sumathi

.. Petitioner

-vs-

- 1.The District Collector,
Tiruvallur.
 - 2.Tahsildar,
Madhavaram,
Tiruvallur District.
 - 3.The Chennai Corporation Zone 7,
No.536, Ambattur,
Chennai-53.
 - 4.The Executive Engineer,
The Chennai Corporation Zone 7,
No.536, Ambattur,
Chennai-53.
 - 5.The Assistant Engineer,
The Chennai Corporation Zone 7,
No.536, Ambattur,
Chennai-53.
 - 6.The Managing Director,
The Metro Water Department,
No.1, Pumping Station Road,
Anna Salai, Chinthadripet,
Chennai-600 002.
 - 7.The Managing Director,
Metro Water Department,
Puzhal,
Chennai-66.
 - 8.Dinakaran
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 3 to 5 respondents to dispose of the representation dated 06.7.2016 within a fixed time frame.

For Petitioner : M/s.Usha Ramman
For Respondents : Mr.R.Vijayakumar
Addl. G.P. for R1 & R2
Mr.A.Nagarajan for R3 to R5
* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The mother of the petitioner is stated to have purchased patta land from the erstwhile owner vide a registered sale deed dated 03.08.2009 (Document No.4839/2009) registered with Ambattur Sub Registrar Office. A settlement deed was thereafter executed by the mother of the petitioner on 19.04.2013, whereby 1560 square feet was settled on the petitioner. However in both the process, no steps were taken for transfer of patta in the revenue records.

2. The allegation of the petitioner is that though she subsequently applied for issuance of patta to the revenue authorities, the Tahsildar, Madhavaram vide Memo Note dated 21.05.2015 has opined that patta can be granted, if there is no encroachment. The impediment for issue of patta is thus alleged to be an encroachment to the extent of 479 square feet of eighth private respondent. The encroachment alleged to be not only in the patta land owned by the petitioner, but also on the land of Metro Water Department/respondent Nos.6 and 7.

3. The petitioner earlier filed W.P.No.12781 of 2016 after her representation dated 30.12.2015 was not disposed of. But the Court opined vide order dated 06.04.2016 that the representation had not been addressed to any particular authority and thus liberty was granted to the petitioner to specifically address the representation to the concerned authority.

4. The petitioner thereafter addressed the representation dated 06.07.2016 to the Chennai Corporation and the Metro Water Department, but to no avail and that is why the present petition has been filed for dealing with the said representation of the petitioner in a time bound schedule.

5. On hearing the learned counsel for parties, we direct that the Executive Engineer, Zone-7, Corporation of Chennai/respondent No.4 and the Managing Director, Metro Water Department, Puzhal, Chennai-66/respondent No.7, who are stated to be the concerned authorities, to act in accordance with law and take decision on the representation of the petitioner dated 06.07.2016. In case, encroachment is found as stated by the Tahsildar, then action in accordance with law would be required

to be taken, after notice to all concerned for removal of the encroachment. The Tahsildar, Madhavaram would also co-operate in the process.

6. The aforesaid exercise be completed within a maximum period of three months of the receipt of the copy of this order.

7. The writ petition, accordingly, stands disposed of. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

- 1.The District Collector,
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Chennai-600 002.
- 7.The Managing Director,
Metro Water Department,
Puzhal,
Chennai-66.

+1 cc to Mr.A.Nagarajan,advocate,sr.66050
+1 cc to M/s.Usha Raman,advocate,sr.66487
+1 cc to the Govt.Pleader,sr.66306.

nmi (co)
krd 28/11

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