

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5202 of 2016

Mrs.Uchinimakaliammal
rep. by her Power of Attorney
S.Sankar ... Petitioner

Vs.

1.The District Collector,
Kancheepuram District-631 501.

2.The Tahsildar,
Kamarajar Street,
Kancheepura Ho,
Kancheepuram-631 501.

3.The Inspector of Survey & Land Records,
Taluk Office Complex,
Sriperambudur Taluk,
Kancheepuram-631 501.

4.The Assistant Director of Survey
& Land Records,
Office of the Assistant Director
of Survey & Land Records,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 3rd & 4th respondents to conduct field survey in respect of S.No.310/5B1A1 and further to direct the 1st & 2nd respondents to issue Patta & Chitta in the name of the petitioner Mrs.Uchinimakaliammal, within the time frame fixed by this Court.

For Petitioner : Mr.P.Alagar Bose

For respondents : Mrs.P.Rajalakshmi, GA

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 3rd & 4th respondents to conduct field survey in respect of S.No.310/5B1A1 and further to direct the 1st & 2nd respondents to issue Patta & Chitta in the name of the petitioner Mrs.Uchinimakaliammal, within a time frame.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:-

2-1.The house site situated in No.103, Nemmeli Village, Beeman Thangal Group, Sriperumbuthur Taluk, Kancheepuram District, comprised in Survey No.310/1 Part (As per document) & Survey No.310/5 B (as per patta), measuring an extent of 1 acre 95 cents, in then Chengalpattu District, presently Kancheepuram District, was purchased by the petitioner from one Mrs.Rukumaniammal, under registered Sale Deed dated 28.10.1986. The said property was acquired by Mrs.Rukumaniammal from her father Mr.Rajagopalnaidu through a registered partition deed dated 19.02.1973 registered as Doc.No.985 of 1973 in the office of SRO Sriperambudur. Mrs.Rukumaniammal was allotted with the 'C' schedule property.

2-2.The said Mrs.Rukumaniammal sold the property in S.No.310/5B1A1 by and under a registered Sale Deed dated 28.10.1986 to and in favour of the petitioner, vide Doc.No.5346 of 1986 in the office of the Sub-Registrar, Sriperambudur. Due to illiteracy and poverty, the petitioner was not in a position to develop the property which belongs to her. The adangal stands in the name of the petitioner. Unfortunately, the patta No.1286 in respect of S.No.310/5B1A1 still stands in the name of Mrs.Rukumaniammal, the vendor of the petitioner. Hence, on 04.11.2015, the petitioner gave representation to the respondents to survey the said land and to issue patta and Chitta in the name of the petitioner. The petitioner paid the cost as prescribed by the respondents 3 & 4 for conducting field survey in respect of S.No.310/5B1A1. Since no action was taken by the respondents, the petitioner has come forward with the present writ petition before this Court.

3.Though the writ petition has been filed by the petitioner for a larger relief, when the matter is taken up consideration, the learned counsel for the petitioner submitted that if a direction is given to the respondents to consider the petitioner's representation dated 04.11.2015, it would suffice.

4.Heard the learned Government Advocate appearing for the respondents also.

5. In view of the submission made by the submission made by the learned counsel for the petitioner and considering the facts and circumstances of the case, without expressing any opinion on the claim made by the petitioner, this Court directs the 2nd respondent to consider the representation dated 04.11.2015 given by the petitioner and pass appropriate orders, after affording opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To,

1. The District Collector,
Kancheepuram District-631 501.
2. The Tahsildar,
Kamarajar Street,
Kancheepura Ho,
Kancheepuram-631 501.
3. The Inspector of Survey & Land Records,
Taluk Office Complex,
Sriperambudur Taluk,
Kancheepuram-631 501.
4. The Assistant Director of Survey
& Land Records,
Office of the Assistant Director
of Survey & Land Records,
Kancheepuram District.

1 cc to Mr. P. Alarbose, Advocate, Sr. 8817
1 cc to Government Pleader, Sr. 9095

W.P.No.5202 of 2016

KSJ (CO)
kk 3/3