

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.04.2016

Coram

The Hon'ble Mr.Justice T.S.SIVAGNANAM

Writ Petition No.9447 of 2016

&

W.M.P.No.8406 of 2016

M.R.Padmaja ...Petitioner
rep by her duly constituted
Power Agent M.S.Ranganathan

Vs.

1.The Commissioner
Corporation of Chennai
Rippon Buildings
Park Town
Chennai-600 003

2.The Zonal Officer
Corporation of Chennai
Zone-3, Ward-24,
No.1. Thattankulam Road
Madhavaram, Chennai-60

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to remove the black topping made in a portion of property of an extent of 3083 sq.ft out of the large extent of 34 cents, comprised in Survey No.11/1, Puthagaram village, Puzhal Town Panchayat, within the limits of Corporation of Chennai, without any authority.

For Petitioner : Mr.V.Guberan for M/S.Rank Associates

For Respondents : Mr.K.Soundararajan

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

2. The respondent is laying a tar road in the property in question which according to the petitioner is their absolute

property. The petitioner would state that without any semblance of legal right the respondent corporation has entered into the property and laid a road and therefore they have filed this writ petition seeking for a direction to remove the black topping laid on the portion of the property to an extent of 3083 sq.ft out of the larger extent of 34 cents comprised in S.No.11/1, Puthagaram Village, Puzhal Town Panchayat.

3. Learned standing counsel for the respondent Corporation on instructions submitted that the road laying work will be stopped immediately and the respondent Corporation are open for any enquiry to be conducted by the Revenue department to ascertain as to the status of the property.

4. Learned counsel for the petitioner has pointed out that the road has already been laid and the work has been completed long back and when the petitioner's power agent and father sought for information from the public information officer Corporation of Chennai by petition dated 02.11.2015 as to whether there is any documents to show right/title of the Corporation of Chennai over the property in question, the reply received on 03.11.2015 from the Public Information officer states that there is no gift deed executed in favour of the Corporation of Chennai. Therefore, it is the submission on behalf of the petitioner that the action of the respondent Corporation of Chennai is wholly without jurisdiction and illegal.

5. In the light of the above facts, this Court is of the view that a proper enquiry is required to be done and such enquiry should be by an officer of senior cadre in the Revenue department so that the said authority can verify all the revenue records produced by the petitioner with the relevant entries in the books maintained by the Revenue department.

6. Learned standing counsel appearing for the respondent Corporation submitted that the respondents are ready and willing co-operate for such enquiry and it may be ordered to be conducted by an officer in the cadre of District Revenue officer.

7. In the light of the above, the writ petition is disposed of by directing the District Collector, Tiruvallur to nominate a senior officer in the cadre of District Revenue Officer who shall conduct an enquiry into the matter and ascertain as to the validity of the claim made by the respondent Corporation vis-a-vis the property in question. The said officer who conducts the enquiry shall receive all the documents from both the parties,

hear the parties in person and thereafter pass an reasoned order on merits and in accordance with law. Undoubtedly, such finding to be rendered by the authority will bind the respondent Corporation. The above exercise shall be completed on or before 30.06.2016. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Park Town,
Chennai-600 003.
- 2.The Zonal Officer,
Corporation of Chennai,
Zone-3, Ward-24,
No.1. Thattankulam Road,
Madhavaram, Chennai-60.

+1cc to M/S.Rank Associates, Advocate sr.26740
+1cc to Mr.K.Soundararajan, Advocate Sr.26553

सत्यमेव जयते

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&

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