

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.9604 of 2016

Vasanthi Benny,
rep. by her power of attorney
N.Paul Raj

... Petitioner

vs.

The Special Tahsildar,
Tambaram Town Survey,
Krishna Nagar I Cross Street,
West Tambaram,
Mudichur Road,
Kancheepuram District.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to consider the petitioner's representation dated 21.1.2016 to measure the property within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.P.Sam Japa Singh

For Respondent : Mr.R.A.S.Senthilvel,
Addl. Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to consider her representation dated 21.1.2016 to measure the property within a reasonable period fixed by this Court.

3. It is the case of the petitioner that she is the sole and absolute owner of the property comprised in Survey No.375/1A2 (Old Survey No.375/1A) in Selaiyur Village,

(Srinivasa Nagar), Tambaram Taluk, Kancheepuram District, bearing Plot Nos.5, 6 and unnumbered plots in the approved layout No.7/71 measuring to a total extent of 6570 sq.ft. and within the registration District of South Chennai and Sub Registration District of Tambaram, having purchased the same under a registered sale deed dated 22.12.1998 in document No.5647/1998 on the file of the Sub Registrar at Tambaram. From the date of purchase, the petitioner is in possession and enjoyment of the same by paying taxes regularly. While so, the adjacent owner viz., one Kabali encroached certain area of her property. Hence, the petitioner sent several letters to the respondent and the revenue officials to come and measure the property to find out the correct boundaries. On receipt of the same, the District Revenue Officer, Kancheepuram District sent a letter to the Revenue Divisional Officer and the respondent herein to remove the encroachment. In this regard, the petitioner personally appeared before the respondent and gave an application dated 21.1.2016. But, till date, the respondent did not take any action to measure the property. Hence, the petitioner has come up with the present writ petition seeking a direction to the respondent to consider her representation dated 21.1.2016 to measure the property within a reasonable period fixed by this Court.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the respondent to consider the representation of the petitioner dated 21.1.2016 after issuing notice to the petitioner and other necessary parties, if any, and pass appropriate orders / take appropriate action on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the claim made by the petitioner and it is for the respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

sbi

To

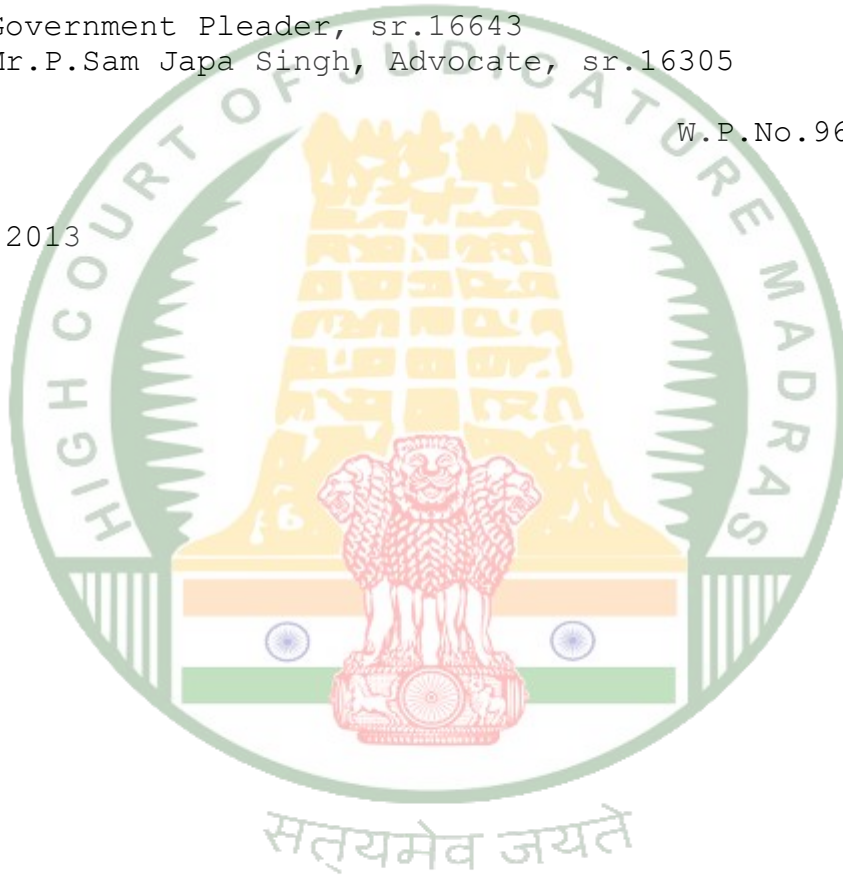
The Special Tahsildar,
Tambaram Town Survey,
Krishna Nagar I Cross Street,
West Tambaram,
Mudichur Road,
Kancheepuram District.

+1 cc to Government Pleader, sr.16643

+1 cc to Mr.P.Sam Japa Singh, Advocate, sr.16305

W.P.No.9604 of 2016

vsn co
kra 31.03.2013



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