

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.30024 of 2017
and
WMP No.32556 of 2017

K.Malliga

... Petitioner

versus

1. The Collector,
Kancheepuram District.

2. The Special Tahsildar,
Urban Land Tax Project,
Krishna Nagar, West Tambaram,
Chennai-600 045.

3. Tmt.Kalavathy

4. Thiru.Selvam

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records connected with the Memo issued in Memo.No.856/2017 dated 07.11.2017 passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent to measure the land in presence of the petitioner to the extent of 0.26 cents in Survey No.154, and 154/1, in T.S.No.5/4 Ward F Block No.17 situated in Irumbuliyur Village, Tambaram Taluk, Kancheepuram District and to issue patta.

For Petitioner : Mr.S.Ilamvaludhi
For Respondents : Mr.R.Govindasamy
Special Government Pleader
for R1 & R2

O R D E R

The petitioner is aggrieved against the proceedings dated 07.11.2017, issued by the second respondent calling upon the petitioner to appear for an enquiry on 22.11.2017 at 11.00 a.m with relevant documents of title for the purpose of survey of the subject matter land.

2. Heard both sides.

3. In fact, the very same petitioner filed an earlier writ petition in WP.No.27200 of 2017, challenging similar notice issued earlier calling upon the petitioner to appear on 26.10.2017. In the above said writ petition, this Court passed an order, which reads as follows:-

This writ petition is filed challenging the notice dated 13.10.2017 calling upon the petitioner to appear on 26.10.2017 for enquiry and for measuring the land.

2. The grievance of the petitioner before this Court is that without even verifying the documents, the 2nd respondent will conduct the measurement.

3. I do not think that the petitioner's apprehension is appreciable, especially, when the impugned proceedings called upon the petitioner to appear for an enquiry on 26.10.2017 with relevant documents. Therefore, the 2nd respondent will certainly look into the documents filed by the parties and take a decision as to whether the measurement of the land has to be done or not, based on the documents submitted by the respective parties. Therefore, it is evident that the present writ petition is filed with baseless apprehension and consequently, I do not find any ground to entertain this writ petition, at this stage. Accordingly, this writ petition is disposed of by directing the petitioner to appear before the 2nd respondent on 26.10.2017 with relevant documents as called for in the impugned proceedings. No costs. Consequently, connected miscellaneous petition is closed.

4. Now, again the petitioner approached this Court and filed the present writ petition challenging another notice of enquiry once again by apprehending that the second respondent will survey the land without referring to the documents. Needless to say that this Court while disposing of the earlier writ petition has clearly observed that the second respondent will certainly look into the documents filed by the parties and take a decision as to whether the measurement of the land has to be done or not, based on the documents submitted by the respective parties. When such being the findings rendered by this Court, it is for the second respondent to follow the same, while conducting an

enquiry. Therefore, the petitioner need not have any apprehension as against the impugned proceedings which is nothing, but a notice calling upon the petitioner to appear before the second respondent. Thus, this writ petition is disposed of, by directing the second respondent to scrupulously follow the earlier order passed by this Court in WP.No.27200 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Collector,
Kancheepuram District.
2. The Special Tahsildar,
Urban Land Tax Project,
Krishna Nagar, West Tambaram,
Chennai-600 045.

+1cc to Mr.S.Ilamvaludhi, Advocate, S.R.No.83122

W.P.No.30024 of 2017

CS/24/11/17

सत्यमेव जयते
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