

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.4249 of 2017

K.Govindarajan

... Petitioner

vs.

1. The District Collector,
Thiruvallur District.
2. The Revenue Divisional and
District Magistrate,
Ambattur Division,
Ambattur.
3. The District Revenue Officer,
Thiruvallur District.
4. The Tahsildar,
Ambattur Taluk,
Chennai.
5. The Assistant Commissioner,
Municipal Corporation of Chennai,
VII Zone, Ambattur, Chennai.
6. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents 1 and 6 to consider the representation for exchange of properties belonging to the petitioner in Survey No.29/3, in Padi Village, in lieu of Survey No.28, Padi Village, Thiruvallur Taluk, Chengalpet District, based on the representation dated 15.02.2017.

For Petitioner :	Mr.M.Venkatachalapathy, Senior Counsel for Mr.T.Velumani
For Respondents:	Mr.P.V.Selvakumar Addl. Government Pleader

O R D E R

The petitioner has filed this Writ Petition seeking a direction to respondents 1 and 6 to consider his representation for exchange of properties belonging to him in Survey No.29/3, in Padi Village, in lieu of Survey No.28, Padi Village, Thiruvallur Taluk, Chengalpet District, based on his representation dated 15.02.2017.

2. According to the petitioner, he purchased various extent of properties in S.No.29/1, 29/3, 29/2 in Padi Village, presently Thiruvallur Taluk, through a registered sale deed dated 24.10.1986 from one Ranjithammal. Adjacent to the said properties, there is a Government Poramboke land in S.No.28, abutting the M.T.H Road, which is the only property serving as a pathway.

3. The case of the petitioner is that from time immemorial, S.No.28 in Padi Village has been in private occupation and if it is taken away by the respondents, the petitioner would be deprived of the only pathway existing to his properties. It is his further case that the 4th respondent earlier attempted to interfere with the petitioner's peaceful possession of S.No.28 as ingress and egress. Hence, the petitioner filed a suit in O.S.No.259 of 2003 on the file of the District Munsif cum Judicial Magistrate Court, Ambattur, against the said respondent and the suit was decreed in favour of the petitioner on 28.04.2006.

4. Despite the said decree, since the 5th respondent threatened the petitioner to remove the compound wall and other structures in S.No.28, in Padi Village, in the year 2010, the petitioner was constrained to file W.P.No.12976 of 2010 seeking to forbear the 5th respondent from taking S.No.28, Padi Village, Thiruvallur Taluk, without adhering due process of law and this Court granted an order of interim injunction on 22.06.2010 in favour of the petitioner. Since there was continuous attempts to demolish the compound wall in S.No.28, the petitioner sent a representation dated 15.02.2017 to the 1st and 6th respondents to exchange land from his property in patta land in S.No.29/3, Padi Village to the Government poramboke land in Survey No.28 in Padi Village. Pending consideration of the same, the petitioner is before this Court.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Considering the facts and circumstances of the case, this Court directs the respondent herein to consider the petitioner's representation dated 15.02.2017 seeking exchange of

properties belonging to him in Survey No.29/3, in Padi Village, in lieu of Survey No.28, Padi Village, Thiruvallur Taluk, Chengalpet District, insofar as ingress and egress is concerned, on merits and in accordance with law, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.4401 of 2017 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Thiruvallur District.
 2. The Revenue Divisional and District Magistrate,
Ambattur Division,
Ambattur.
 3. The District Revenue Officer,
Thiruvallur District.
 4. The Tahsildar,
Ambattur Taluk,
Chennai.
 5. The Assistant Commissioner,
Municipal Corporation of Chennai,
VII Zone, Ambattur, Chennai.
 6. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai.
- + 2 ccs to Mr.T. Velumani, Advocate SR.12322
+ 1 cc to Mr.P.V. Selvakumar, Advocate Sr.12328
+ 1 cc to Government Pleader Sr.13040

W.P.No.4249 of 2017

AR(III)

EU 07.3.17