

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.22842 of 2017 and
WMP Nos.24009 to 24011 of 2017

K.Selvanayaki

... Petitioner

vs.

1.The Principal Secretary,
Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

2.The District Collector,
Kanchipuram District,
Kanchipuram.

3.The District Revenue Officer,
Collectorate Complex,
Kanchipuram, Kanchipuram District.

4.The Revenue Divisional Officer,
Kanchipuram, Kanchipuram District.

5.The Tahsildar,
Kanchipuram Taluk,
Kanchipuram District.

.... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified mandamus, to call for the records on the file of the 5th respondent in proceedings No.Nil dated 11.08.2017 and quash the same as illegal, incompetent, irregular and without jurisdiction and further direct the respondents to grant patta to the petitioner in respect to the property situate at S.Nos.82/1, 82/2, 82/3, 82/8, 82/9, 82/10, 82/11, 82/12, 82/13, 82/14, 82/15, 83/4, 83/5 and 85/3, totally measuring 2.02 acres of Kilkadirpur Village, Kanchipuram Taluk and District.

For Petitioner : Mr.V.Raghavachari for
Mr.P.Krishnan

For Respondents : Mr.S.N.Parthasarathi
Government Advocate

O R D E R

The petitioner has filed the above writ petition, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 5th respondent in the proceedings,

dated 11.08.2017 and quash the same and further direct the respondents to grant patta to the petitioner in respect of the property situated at S.Nos.82/1, 82/2, 82/3, 82/8, 82/9, 82/10, 82/11, 82/12, 82/13, 82/14, 82/15, 83/4, 83/5 and 85/3, measuring a total extent of 2.02 acres at Kilkadirpur Village, Kanchipuram Taluk and District.

2. The petitioner has challenged the impugned public notice issued by the 5th respondent, the Tahsildar, stating that the above referred lands are classified as "Anadeenam" and it is required for locating a bus stand and called for objections from the occupants. Pursuant to the public notice dated 11.08.2017, the petitioner sent his objections to the second respondent District Collector on 21.08.2017. The apprehension of the petitioner is that that the respondents may take possession of the lands for locating the bus stand any moment even without considering the objections filed by the petitioner.

3. Mr.S.N.Parthasarathi, learned Government Advocate, taking notice for the respondents submitted that the second respondent may be directed to consider the objections filed by the petitioner on 21.08.2017 and thereafter, decide the matter in accordance with law.

4. Admittedly, the petitioner is in possession and enjoyment of the lands mentioned above. In these circumstances, I am of the view that the possession of the petitioner should be protected till the second respondent considers the petitioner's objections and pass orders on the same.

5. Accordingly, I direct the second respondent to consider the petitioner's objections, dated 21.08.2017, and pass orders after giving an opportunity of personal hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. The second respondent is also directed to consider the earlier orders passed by the authorities while passing orders in the present proceedings. Till orders are passed by the second respondent, the respondents are directed to maintain status quo.

6. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary,
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Collector,
Kanchipuram District,
Kanchipuram.

3.The District Revenue Officer,
Collectorate Complex,
Kanchipuram,
Kanchipuram District.

4.The Revenue Divisional Officer,
Kanchipuram,
Kanchipuram District.

5.The Tahsildar,
Kanchipuram Taluk,
Kanchipuram District.

+lcc to the Government Pleader, S.R.No.64477

KK(CO)
GN(27/09/2017)

W.P.No.22842 of 2017



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