

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.29347 of 2017

R.Gandhi

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Revenue Department,
Fort St. George,
Chennai 600 009.
 2. The Member Secretary,
CMDA, 1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
 3. The Block Development Officer,
St. Thomas Mount Panchayat Union Office @
Chitlapakkam - Chromepet,
Tambaram Taluk,
Kancheepuram District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus, directing the 2nd respondent to conduct appropriate enquiry by verifying the revenue entries and physical features of S.No.8/1, Kaspapuram Village, Tambaram Taluk, Chengalpattu District and make appropriate entry as patta land in its Master Plan - II within stipulated time to enable the petitioner to enjoy his property absolutely.

सत्यमेव जयते

For Petitioner : Mr.P.Thiagarajan

For 1st Respondent : Mr.S.Diwakar,
Special Government Pleader

For 2nd Respondent : Mr.M.Karthikeyan

For 3rd Respondent : Mr.M.Elumalai

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O R D E R

The petitioner has come up with this Writ Petition, seeking a direction to the 2nd respondent to conduct appropriate enquiry by verifying the revenue entries and physical features of S.No.8/1, Kaspapuram Village, Tambaram Taluk, Chengalpattu District and make appropriate entry as patta land in its Master Plan - II, within a stipulated time to enable him enjoy his property absolutely.

2. According to the petitioner, he has purchased an extent of 3650 sq. feet of vacant house site comprised in S.No.8/1 of Kaspapuram Village on 06.06.1983. Survey No.8 has been sub-divided as S.Nos.8/1 and 8/2 much prior to the year 1950. S.No.8/1 is patta land and S.No.8/2 is classified as Lake. The grievance of the petitioner is that the 2nd respondent, without verifying the revenue records and inspecting the property, seems to have prepared Master Plan-II, which says that the entire S.No.8 is water body. It is the case of the petitioner that Master Plan-II seems to have been prepared on the basis of old records, which denotes the Village Number of Kaspapuram Village as 178, while the Village Number has been changed four times, from 178 to 144, 144 to 114, 114 to 55 and from 55 to 15. It is his further case that S.No.8/2, which is classified as 'Thangal' in revenue records, has been encroached, wherein, there is a well developed Nagar viz. Sakthi Nagar and the Village Panchayat has assessed houses therein to tax and basic amenities have been provided.

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

4. It is represented by the learned counsel appearing for the 2nd respondent/CMDA that if the petitioner makes a fresh representation to the 2nd respondent, his request will be considered without reference to the communication dated 01.04.2011.

5. In view of the above, without going into the merits of the case, the 2nd respondent is directed to conduct an enquiry, after verifying the revenue records pertaining to S.No.8/1 of Kaspapuram Village, Tambaram Taluk, Chengalpattu District, make necessary corrections in Master Plan-II, if any mistake is committed by them and take possession of the land in question by removing the encroachers therein, within a period of two months from the date of receipt of a copy of this order. It is needless to point out that the encroachers shall not be shown any indulgence and possession of Aadhar Card/Voter Identity Card/Passport will not be a ground for anyone, muchless the encroachers, who are residing in the place, to continue living

there. It is made clear that in all the issues pertaining to the Master Plan referred to in this Writ Petition, the petitioner has to be given an opportunity of hearing, as he is the complainant.

The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary, State of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai 600 009.
2. The Member Secretary,
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Egmore, Chennai 600 008.
3. The Block Development Officer,
St. Thomas Mount Panchayat Union Office @
Chitlapakkam - Chromepet,
Tambaram Taluk, Kancheepuram District.

+1cc to Mr.P.THAGARAJAN, Advocate, S.R.No. 9645
+1cc to Mr.M.KARTHIKEYAN, Advocate, S.R.No. 90130
+1cc to the Government Pleader, S.R.No. 91130

Order in
W.P.No.29347 of 2017

TR(18/01/2018)

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