

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.6.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10673 of 2018

- 1 J.Ronald Moses Raj
S/o Dorairaj,
No.11/3, Redhills road,
Ram Nagar, Ambattur, Chennai-53.... PETITIONER
- Vs.
- 1 The District Revenue officer,
O/o. the Collectorate,
Thiruvellore district, Thiruvellore.
- 2 The Revenue Divisional Officer,
Ambattur Road, Ambattur, Chennai - 53.
- 3 The Assistant Settlement Officer(North),
Office of the principal Secretarty &
Commissioner of land survey and Settlement,
Chepauk, Chennai 600 005.
- 4 The Assistant Director,
Survey and Settlement, Chepauk Chennai -05
- 5 The Tashildar
Ambattur Taluk, Chennai 54.
- 6 The Special Tahsildar,
Town and Natham Nilavari Thittam,
Ambattur, Chennai -53... RESPONDENTS

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to conduct a survey of the Survey Field No.602/7 in 'C' schedule property and the portion comprised in the approved layout No.250/1967 and also my plot in the said layout bearing plot No.43 present Door No.11/3 Red Hills Road, Ram Nagar, Ambattur and issue patta in petitioner's favour in accordance with law.

For Petitioner : Mr.R.Priyakumar
For Respondents : Mrs.P.Rajalakshmi, A.G.P.

O R D E R

The petitioner claims to be a business man doing business in the field of exterior decoration work with Aluminium composite panel and polycarbonate and others. He also claims to be the absolute owner of the immovable property consisting of residential building bearing Plot No.43, present door No.11/3, Redhills Road, Ram Nagar, Ambattur comprised in survey No.602/7 admeasuring about 3672 sq.ft. in approved layout No.T.P./DTP 250 of 1967 having purchased out of his own hard earned money for a valuable consideration from M/s.Tiffin's Barytes, Asbestor and Paints Ltd. and others under sale deed, dated 7.12.1988. He has constructed a building with a plan approved by the Commissioner of Ambattur Municipality vide planning permission No.197/06 dated 13.2.2006 and have been in peaceful possession and enjoyment of the property. On 18.7.2016, an officer from the Highways department, without any notice marked a portion of his property and also threatened that he would start digging his land after removing his building stating that the land is required for Highways department, inspite of strong objection and explanation given to them. Highways department is attempting to usurp a sizeable portion of his property without following the procedure prescribed under law. Therefore, the petitioner in order to avoid confrontation with the respondent department, gave representation to the Assistant Divisional Engineer, State Highways, Avadi, Chennai on 18.7.2016 requesting them not to disturb his peaceful possession and enjoyment of his property. Finding no response, the petitioner has filed writ petition in W.P.No.25603 of 2016 praying for injunction restraining the authorities from proceeding with digging of the land in question.

2. The learned Additional Govt. Pleader appearing for the respondents submitted that the petitioner has filed the present writ petition without impleading necessary parties viz., Surveyor, Office of Assistant Director of Survey and Settlement. However, Assistant Director of Survey and Settlement has been impleaded as 4th respondent.

3. In view of the above, this Court directs the respondents 4 and 5 to consider the pending representation given by the petitioner and survey the petitioner's land comprised in Survey Field No.602/7 in 'C' schedule property and the portion comprised in the approved layout No.250/1967 and also the petitioner's plot in the said layout bearing plot No.43, present Door No.11/3, Redhills Road, Ram Nagar, Ambattur and measure the land within a period of eight weeks from the date of receipt of copy of this order.

4 The writ petition is disposed of with the above directions. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

- 1 The District Revenue officer,
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- 6 The Special Tahsildar,
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+1 CC to Mr.R.Priyakumar, Advocate sr 37441.
+1 CC to Govt. Pleader sr 37533.

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SP(05/07/2018)