

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.16528 of 2018

Mrs.G.Rosy

... Petitioner

Vs.

1.The Secretary to Government,
Local Administrations,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 002.

3.The Zonal Officer 13,
Zone - XIII,
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai - 600 020.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to conduct enquiry and pass orders on the petitioner's representation dated 13.3.2018, within the time limit.

For Petitioner : Mr.R.Balachanderan

For Respondents : Mr.V.Shanmuga Sundar

Special Government Pleader

for R1

Mr.V.C.Selvasekaran

Standing counsel for R2 and R3

ORDER

Heard Mr.R.Balachanderan, learned counsel for the petitioner, Mr.V.Shanmuga Sundar, learned Special Government Pleader for the first respondent and Mr.V.C.Selvasekaran, learned Standing counsel for the respondents 2 and 3 and perused the materials available on record.

2.This writ petition has been filed for issuance of writ of mandamus, directing the first respondent to conduct an enquiry and pass orders on the representation of the petitioner dated 13.3.2018.

3. The case of the petitioner is that the land in S.No.283 in Velachery Village, measuring an extent of 1 acre and 50 cents was originally belonged to one Munusamy, who purchased the property vide Sale deed dated 07.11.1900, registered as Document No.2264 of 1900. After his demise his son Ponnusamy sold an extent of 37.5 cents to the petitioner's ancestors namely Rajaammal and Muniammal on 07.4.1925. After their life time the property was devolved on Elangali Ammal, who is the grand mother of the petitioner.

4. The petitioner would further state that on 11.07.1938, the said Elangali Ammal, purchased another extent of 37.5 cents and thereby she became the absolute owner of 75 cents comprised in S.No.283 in Velachery Village. The Government acquired 58 cents in S.No.283, which was identified as S.No.283/2. The property of the petitioner's grand mother was sub divided as 283/1 and 283/3. According to the petitioner there were only 11 sub divisions namely 283/1 to 283/11. But one Thiruthuvaraj and his wife Umavathi, have created fraudulent documents for the property, which was acquired by the Government in S.No.283/2 and created forged patta and obtained planning permission from the respondents. Subsequently, they have filed a Suit in O.S.No.10807 of 2010, which is pending before the V Additional Judge, City Civil Court, Chennai and now the suit was transferred to the High Court and re-numbered as C.S.No.343 of 2012.

5. The learned counsel for the petitioner submitted that the petitioner gave a representation dated 13.03.2018 to the first respondent to appoint a Special Officer to enquire into the complaint of the petitioner and take appropriate action. But, so far there is no response from the first respondent. He would further state that the petitioner would be satisfied, if a direction is issued to the first respondent to consider the representation of the petitioner.

6. The learned Special Government Pleader appearing for the first respondent submitted that the representation of the petitioner would be considered in accordance with law.

7. In the light of the above submissions of the learned counsels and also considering the nature of prayer sought for in the writ petition, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 13.03.2018 and pass

orders on merits and in accordance with law, after providing an opportunity of hearing to all necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

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+1 CC to Govt. Pleader sr 49963.

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VSNI (CO)
SP (09/08/2018)

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