

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.07.2018
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P.No.29304 of 2010
and
MP.No.2 of 2010

Ramakrishna Mission
a registered society
represented by the Secretary of its Branch Centre,
Ramakrishna Mission Vidyapith,
Old No.98,99/ New No.70,72
Sir P.S.Sivasamy Salai,
Mylapore, Chennai - 600 004.
... Petitioner

Vs.

1. The State of Tamil Nadu
Represented by the Principal Secretary &
Commissioner and Director of Survey and Settlement,
Survey and Settlement Department,
Survey House, Chepauk, Chennai 600 005.
2. The Collector of Chennai,
M.Singaravelar Maaligai, No.62, Rajaji Salai,
Chennai - 600 001.
3. The Tamil Nadu Slum Clearance Board,
Represented by its Managing Director,
No.5, Kamarajar Salai,
Chepauk, Chennai 600 005.
4. The Tamil Nadu Housing Board,
Represented by its Managing Director,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.
5. The Additional Director of Survey and Land Records
Survey and Settlement Department,
Survey House, Chepauk, Chennai - 600 005.
6. The Tahsildar,
Mylapore - Triplicane Taluk,
Greenways Road, Chennai - 600 028.
7. Sub-Inspector of Survey,
Mylapore - Triplicane Taluk,
Greenways Road,
Chennai - 600 028.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the seventh respondent relating to the Quit Rent Permanent Land Register in respect of Mylapore Village and quash the entry dated 28.07.2010 showing the 3rd Respondent as the owner of the land in R.S.No.1605/4 and consequently direct the Respondents to restore the name of the petitioner as the owner of the land in R.S.No.1605/4 in all the permanent land records, survey records and maps as originally shown by the entries dated 17.9.2002.

For Petitioner : Mr.Yasodvardhan, Sr. Counsel
for Mr.P.Venugopal

For R1,2,6&7 : Mr.J.Ramesh, AGP
For R3 : Mr.S.Prabhu
For R4 : B.Vivekavan

ORDER

This writ petition is preferred against the wrong entry made on 28.07.2010 by the seventh respondent in the Quit Rent Permanent Land Register pertaining to Mylapore Village with regard to the land in R.S.No.1605/4 belonging to the petitioner, showing the Tamil Nadu Slum Clearance Board, the third respondent herein as the owner of the same.

2.Today, when the matter is taken up for consideration, the sixth respondent filed a counter affidavit dated 27.07.2017, wherein, in paras 8 and 9, it has been specifically averred as follows:

"8.It is respectfully submitted that on the representation of the petitioner herein dated 18.12.2017, survey has been carried out in the said land along with the Deputy Inspector of Survey and Sub-Inspector of Survey on 17.2.2018 and it was found that the land to the extent of 13 ground 123 sq.ft was sold by the then executives of the petitioner by way of registered sale deed 1068/1954 dated 29.06.1954. However, it was not brought to the notice of the revenue official for necessary changes in the mutation records of the said land but the petitioner have possessed their due extent of land measuring 2Ca-16Grd-776 sq.ft only in R.S.No.1605/4pt. On surveying and measuring the said land, it came to know that the petitioner has physically possessed to the extent of 2Ca-16 Grd-776 sq.ft only by putting compound wall, excluding the extent of 13 Grd-0123 sq.ft already sold out to City Improvement Trust by way of sale deed No.1068/54 and not possessed the 3Ca-05Grd-899 sq.ft.

9.It is respectfully submitted that the action is being taken to cancel the transfer of Registry wrongly made by the then Tahsildar in favour of Tamil Nadu Slum Clearance Board. It is respectfully submitted that an extent of 2Ca-16Grd-776 sq.ft of land in R.S.No.1605/4pt of Mylapore village, which is situated within the compound wall erected by the petitioner herein will be restored in favour of the writ petitioner and patta will be issued at the earliest."

3.In the light of the above, this Court is of the view that the sixth respondent, being the competent authority, has now come forward to take necessary steps to rectify the defects crept-in in the revenue records with regard to the land of the petitioner and hence, no further order is required in this writ petition.

4.Hence, recording the averments, particularly, paras 8 and 9 of the counter affidavit dated 27.07.2017 filed by the sixth respondent, this writ petition stands closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary,
The State of Tamil Nadu
Commissioner and Director of Survey and Settlement,
Survey and Settlement Department,
Survey House, Chepauk, Chennai 600 005.
2. The Collector of Chennai,
M.Singaravelar Maaligai, No.62, Rajaji Salai,
Chennai - 600 001.
3. The Additional Director of Survey and Land Records
Survey and Settlement Department,
Survey House, Chepauk,
Chennai - 600 005.

4. The Tahsildar,
Mylapore - Triplicane Taluk,
Greenways Road, Chennai - 600 028.

5. The Sub-Inspector of Survey,
Mylapore - Triplicane Taluk,
Greenways Road,
Chennai - 600 028.

+10cc to Mr.P.Venugopal, Advocate SR.NO.51149
+1cc to Mr.B.Vivekavanam, Advocate SR.NO.51215
+1cc to Mr.S.Prabhu, advocate SR.NO.51238
+1cc to Government Pleader SR.NO.51826

sm:6.9.2018

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