

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.31158 of 2018

A.Kasthuri

.. Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Deputy Director,
Town and Country Planning Department,
Chengalpattu Region,
Chengalpattu, Kancheepuram District.
3. The Tahsildar,
Cheyyur Taluk, Cheyyur,
Kancheepuram District.
4. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakka, Chennai - 600 028.
5. The Sub-Registrar,
Cheyyur, Kancheepuram District.

.. Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner representation dated 11.10.2017 in the light of the communication issued by the 2nd respondent vide his proceedings Na.Ka.No.3531/2015/Sema3, dated 01.02.2016 and vide his proceedings Na.Ka.No.28/2017/Sema3, dated 13.01.2017 for making necessary correction in the Revenue Records thereby re-classifying the land of the petitioner in Survey No.350/9B situated in No.61, Panaiyur Village, Cheyyur Taluk, Kancheepuram District from Dry Maanavari Lands Type-III to the of Residential Special Type - I and consequently forward the same to the 4th respondent in order to enable him to make the correction in the guidelines value register.

For Petitioner : Ms.G.V.Seethalekshmi
for Mr.E.Vijay Anand

For 1st to 3rd
Respondents : Mr.V.Shanmugasundar
Special Government Pleader

For 4th & 5th
Respondents : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The present Writ Petition has been filed for issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 11.10.2017 in the light of the communication issued by the 2nd respondent vide his proceedings in Na.Ka.No.3531/2015/Sema3, dated 01.02.2016 and Na.Ka.No.28/ 2017/Sema3, dated 13.01.2017 for making necessary correction in the Revenue Records thereby re-classifying the land of the petitioner in Survey No.350/9B situated in No.61, Panaiyur Village, Cheyyur Taluk, Kancheepuram District from Dry Maanavari Lands Type - III to that of Residential Special Type - I and consequently forward the same to the 4th respondent in order to enable him to make the correction in the Guidelines Value Register.

2. According to the petitioner, he is an absolute owner of the land bearing S.No.350/9B in Merry Beach situated in No.61, Panaiyur Village, Cheyyur Taluk, Kancheepuram District measuring an extent of 0.55 hectare. The land was originally part and parcel of the undivided land bearing S.No.350/9, which was later sub-divided in the year 2012 into 12 portions bearing the sub-division numbers 9, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99 & 9B.

3. The petitioner submitted that the original undivided land bearing S.No.350/9 has been classified as Residential Area - Class II since 01.08.2007. But, when this land was sub-divided in 2012, majority of the subdivided portions have been re-classified as Dry Maanavari Lands with a significantly lower guideline value of Rs.103/- per sq.ft leaving the remaining sub-division S.No.350/9 as Residential Special Type with a higher guideline value of Rs.400/- per Sq.ft. Aggrieved by the wrong classification done in respect of the petitioner's property, he made a representation dated 11.10.2017 before the respondents, but, the same is yet to be disposed of by the respondents.

4. Heard the learned counsel appearing on both sides and perused the materials available on record.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondents to consider the petitioner's representation dated 11.10.2017 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
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+1 CC to Mr.E.Vijay Anand, Advocate sr 87871
+1 CC to Government Pleader sr 88986.

W.P.No.31158 of 2018

RGN(CO)
SP(28/01/2019)