

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 9328 of 2014

V. Lalitha

.. Petitioner

Vs.

1. The Collector of Chennai
Chennai - 600 001.

2. The Tahsildar
Thiruvanniyur Velachery Taluk
(Mylapore- Triplicane Taluk-Old)
Chennai - 600 041.

3. The Town Surveyor
Thiruvanniyur Village at
Taluk Office
Thiruvanniyur Velachery Taluk

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders after conducting enquiry by giving opportunity to the petitioner on the representation dated 10.12.2012 pursuant to the letter dated 28.08.2012 issued by the 1st respondent vide letter No.J2/27113/12.

For Petitioner : Mr.B. Ravi

For Respondents: Mr. M. Karthikeyan,
Additional Government Pleader

O R D E R

This writ petition is filed seeking to direct the respondents to consider and pass orders on the representation dated 10.12.2012 after conducting enquiry by giving opportunity to the petitioner pursuant to the letter dated 28.08.2012 issued

by the 1st respondent vide letter No.J2/27113/12.

2. The learned counsel for the petitioner would submit that the petitioner's husband D.S. Vaidyanathan purchased the property measuring an extent of 1870 sq.ft. in O.S. No.110/36 Thiruvannamiyur Village under Document No.1498 of 1974. As per the schedule of document there was a pathway of 1½ feet on the western side of the property. Later, the same was sold to one S. Krishnamurthy. Subsequently, the said Krishnamurthy sold a portion of land, to an extent of 816 sq.ft to the petitioner's husband vide registered sale deed dated 21.06.1993, bounded by 1½ feet passage. Both, the petitioner's husband and the said Krishnamurthy were enjoying the common passage. Subsequently, the petitioner's husband built a house, leaving some land and 4 feet for his car parking. While so, during re-survey the car parking area of 4 feet belonging to the petitioner was noted as a common passage by the respondent surveyors. According to the petitioner, the said 4 feet car parking is the patta land of the petitioner. The appeal filed by the petitioner to the first respondent in this regard, was replied by respondent stating that an error has been caused in the Town Survey Register and the same was forwarded to the 2nd respondent. Since there was no response from the 2nd respondent, this writ petition has been filed before this Court.

3. Learned Additional Government Pleader would submit that in the counter affidavit filed by the 2nd respondent, it has been stated that it is only an error that had occurred during Town Survey and it has to be corrected only by the District Collector. It is further stated that soon the records will be sent to the District Collector. During the last occasion, learned Additional Government Pleader was directed to get instructions as to whether any report has been submitted to the District Collector.

4. Today, when the matter was taken up for hearing, Mr. S. Rajakumar, Tahsildar, Velachery was present in the Court. On his instructions, learned Additional Government Pleader submitted that so far no report has been sent by the 2nd respondent/ The Tahsildar to the 1st respondent/ District Collector. However, the 2nd respondent undertook to submit a detailed report to the District Collector, to rectify the error occurred, during the town survey.

5. Recording the aforesaid submission of the learned Additional Government Pleader, the 2nd respondent is directed to submit the report within a period of two weeks from today. On receipt of such report, the 1st respondent/ District Collector is directed to pass orders in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks thereof.

6. This Writ Petition is disposed of, with the above direction. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

1. The Collector of Chennai
Chennai - 600 001.
2. The Tahsildar
Thiruvanmiyur Velachery Taluk
(Mylapore- Triplicane Taluk-Old)
Chennai - 600 041.
3. The Town Surveyor
Tiruvanmiyur Village at
Taluk Office
Thiruvanmiyur Velachery Taluk
Chennai - 600 041.

+2cc to Mr.R.Subramanian, Advocate, S.R.No.11076
+1cc to the Government Pleader, S.R.No. 11341

W.P. No. 9328 of 2014

MP (CO)
GN(11/02/2019)

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