

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.3269 of 2021
& WMP No.3713 of 2021

Pon Baskaran

... Petitioner

Vs.

1.The District Collector,
Chennai.

2.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai

3.The Revenue Divisional Officer,
Revenue Divisional Office,
No.472, Thiruvetriyur High Road,
Thandiyarpur, Chennai-600 081

4.The Sub-Registrar,
Ambattur, Chennai.

5.The Tahsildar,
Madhavaram Taluk,
Gandhi Main Road,
Balaji Nagar,
Madhavaram,
Chennai-600 066

6.A.Shanmugasundaram

7.The Inspector of Police,
Ambattur Police Station,
Ambattur,
Chennai

... Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 5 and 6 from entering into the petitioner's land of an extent of 1120 cents in S.Nos.201 3D, 4A & 202A/2D, 201A 3B, 202A/2E & 202/A4, 201A/4C, 201A/4B, 201A/3C & 202A/2C, 202A/2F,

3B, & 202/3, and 203/3, 201/A/3E, 4D, 195/1A, 201/2A/2B & 202A/1E, 195/1B, 193/3A, 197/7, 197/6C1, 196/2A, 196/2B1, 196/1A, 196/1E, 196/2B2, 197/B, 196/1C, 196/1F, 196/1E, 196/1D of Soorapet Village, Madhavaram Taluk, Ambattur, Chennai.

For Petitioner .. Ms.A.L.Gandhimathi
For Respondents.. Mr.E.Balamurugan,
Spl.GP for RR1, 3, 5 & 7
Mr.T.M.Pappiah, Spl G.P for RR2 & 4

ORDER

This petition has been filed by the petitioner seeking for a direction to forbear the respondents 5 and 6 from entering into the petitioner's land to an extent of 1120 cents in S.Nos.201 3D, 4A & 202A/2D, 201A 3B, 202A/2E & 202/A4, 201A/4C, 201A/4B, 201A/3C & 202A/2C, 202A/2F, 3B, & 202/3, and 203/3, 201/A/3E, 4D, 195/1A, 201/2A/2B & 202A/1E, 195/1B, 193/3A, 197/7, 197/6C1, 196/2A, 196/2B1, 196/1A, 196/1E, 196/2B2, 197/B, 196/1C, 196/1F, 196/1E, 196/1D of Soorapet Village, Madhavaram Taluk, Ambattur, Chennai.

2.Today when the matter is taken up for hearing, Mr.M.S.Sabanayagam, Tashildhar, Madavaram Taluk, the fifth respondent herein has appeared before this Court. The learned counsel for the petitioner submitted that the Tashildhar, Madavaram Taluk, (the fifth respondent) herein has issued a notice to survey the property of the petitioner vide notice dated 09.02.2021 and fixed to conduct survey on 11.02.2021 at about 11 am.

3.On feeling aggrieved by the above measure, the petitioner has rushed to this Court with this Writ Petition seeking a necessary direction as outlined in the above prayer.

4. Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents 1,3,5 and 7 and he has also instructed to Mr.M.S.Sabanayagam, Tashildhar, Madavaram Taluk concerned.

5. This Court was informed that a third party has moved this Court in WP.No.11396 of 2020 for surveying the property wherein, this Court has directed the Tasildhar to consider the same. Pursuant to this order, the Tahsildar has caused issuance of notice to the parties who are likely to be affected by his proposed action, has also caused issuance of notice dated 09.02.2021 to the petitioner herein.

6.The learned counsel for the petitioner would now submit that he is not a party to the said WP. No.11396 of 2020

7. When once a statutory authority issues a notice to perform his statutory duty, it is important that a citizen of this country, respects such statutory notice. It is not necessary that the petitioner cannot be a party to any of the earlier proceedings. It is because a statutory authority has to perform his duty only according to the letter and spirit of the statute, no matter whether the petitioner is a party to the earlier proceedings or not. Now, consistent with the statute, a notice has been served on the petitioner since the Tahsildar had felt that the petitioner might also be affected by such decision which he may take pursuant to the Order passed by this Court in WP. NO.11396 of 2020. This Court, therefore expects the petitioner to oblige and comply with the function of the statutory authority. The Tahsildar however, is instructed that he may not over reach his authority and confine the scope of his enquiry to such matters which are within his purview.

8. This writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Chennai.
- 2.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
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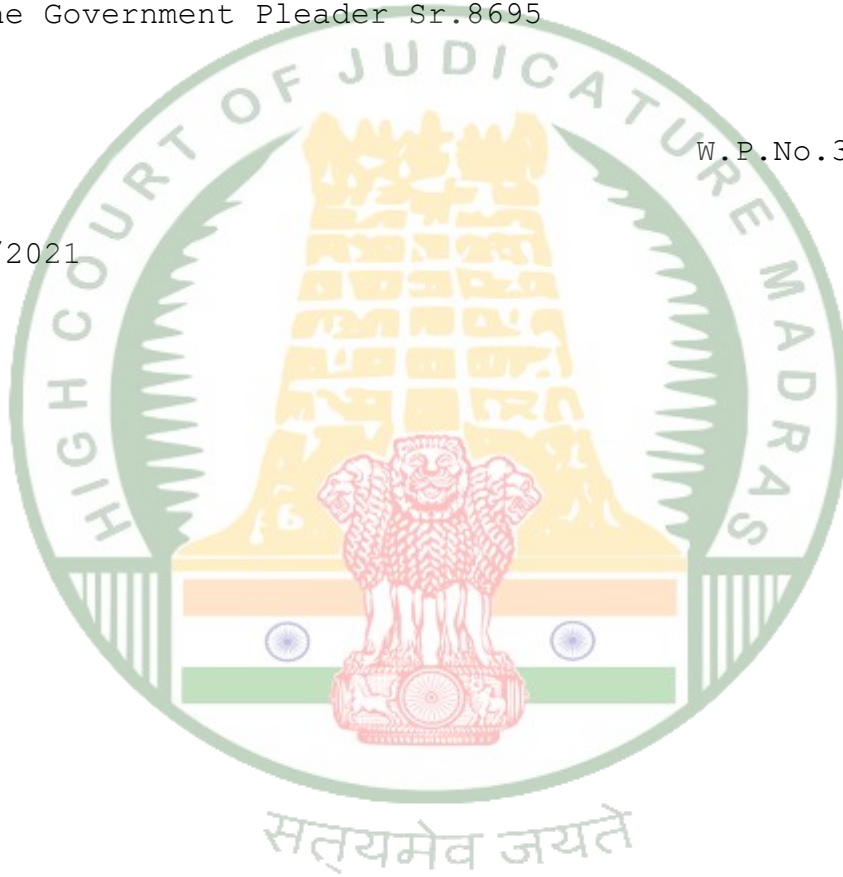
5.The Tahsildar,
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Chennai-600 066

6.The Inspector of Police,
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Ambattur,
Chennai.

+1cc to the Government Pleader Sr.8695

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srg 19/03/2021



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