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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No. 5986 of 2011
and

MP No.1 and 2 of 2011

WMP No.6647 of 2021

1. J.Ekambaram (deceased)
2. E.Lakshmi
3. E.Thulasisingaperumal
4. Shakila Anand
5. E.Dakshinamurthy
(P2 to P5 are substituted as LRs
of the first petitioner) .. Petitioners
(made in WMP.4462/19 in WP.5986 dt.12/02/19)

Versus

1. The Secretary to Government
Revenue Department
Fort St. George, Chennai - 9.
2. The Commissioner for Revenue Administration,
Chepauk, Chennai-5.
3. The Collector
Kancheepuram District.
4. The Director General of Police,
Mylapore, Chennai-4.
5. The Thasildhar
Sholinganallur Taluk,
Uttandi Village, Chennai.
6. The President of Village Panchyat
Nellankarai Panchayat Union,



Nellankarai, Chennai-41.

(R6 deleted vide order dated 19.02.2021 made in WMP No.3947/2021 in W.P.No.5986 of 2011)

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7. V.G.P., Rep. by its Liaison Officer,
VGP Corporate Office, VGP Square,
No.6, Dharmaraja Koil Street, Saidapet,
Chennai-15.

8. The Commissioner
Corporation of Chennai,
Chennai 600 003.

(R8 impleaded vide order dated 19.02.2021
made in WMP No.3947/2021 in W.P.No.5986/2011)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to take suitable action against the complaint of the petitioner dated 07.03.2008 and give protection to the petitioner and his property situated in survey No.3/2B1 part bearing plot No191 measuring an extent of 2400 sq.ft. at Uthandi Village, Tambaram Taluk, Kancheepuram District and consequently direct the 5th respondent to transfer the patta in favour of the petitioner.

For Petitioners : M/s. Anand and Surays

For Respondents : Mr. G. Krishnaraja
Government Counsel for R1 to R5

Mr. J. Raja Kalifulla for R6

Mr. Shivakumar for R7

O R D E R

This writ petition has been filed praying to issue a Writ of Mandamus directing the respondents to take action based on the complaint dated 07.03.2008 given by the petitioner and to give protection to his property bearing plot No.191, situated at Uthandi Village, Tambaram.

2. The petitioners 2 to 5 are the legal heirs of the



deceased first petitioner and they are substituted in his place. According to the petitioners, the first petitioner, purchased a plot to an extent of 2400 sq.ft. in the approved layout of VGP vide registered sale deed dated 24.11.2005. However, the villagers of Uthandi Village had encroached the same and using it as 'Graveyard'. When it was questioned by the petitioners, they threatened the purchasers, including the first petitioner not to put up fence or construction. Hence, the first petitioner had given a representation to the respondents to prevent the same and also for transferring patta in his name. But the fifth respondent vide letter dated 19.03.2010 informed that a case is pending before this Court with regard to the subject matter of lands between the VGP and the Villagers of Uthandi Village and hence, asked the petitioner to apply for patta, after the case is disposed. The petitioner had given a representation to the fifth respondent under the Right to Information Act to furnish the case details. However, the fifth respondent did not furnish the details sought for by the petitioner. Hence this writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. Originally the petitioner gave a representation to the fifth respondent seeking transfer of patta in his name and the same was kept pending on the ground that the property in dispute was not in possession of the petitioner besides the same was also the subject matter of the writ petitions, pending before this Court.

5. The learned counsel appearing for the petitioners pointed out that the writ petitions in W.P.No.4208 of 2006 as well as W.P.No.15476 of 2008 relating to the subject matter of the land had been disposed of by this court on 20.08.2019 and 21.11.2019 respectively. Pursuant to the same, the petitioners moved an application dated 12.08.2020 before the respondents, enclosing all the documents. Hence, the learned counsel for the petitioners submit that there may not be any impediment for the respondents to consider the representation dated 12.08.2020 of the petitioners and to pass appropriate orders thereof on merits.

6. The learned Government Counsel appearing for the respondents 1 to 5 has no serious objection for issuing such a direction to the official respondents.



7. Taking note of the above submission of the counsel for both sides and the facts and circumstances of the case, this Court directs the fifth respondent to consider the representation dated 12.08.2020 of the petitioners and pass appropriate order on merits, in accordance with law, after affording opportunities to the petitioners and others concerned, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous and writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst/rsh

To

1. The Secretary to Government,
Revenue Department, Fort St. George,
Chennai - 9.
2. The Commissioner for Revenue Administration,
Chepauk, Chennai-5.
3. The Collector, Kancheepuram District.
4. The Director General of Police,
Mylapore, Chennai-4.
5. The Thasildhar, Sholinganallur Taluk,
Uttandi Village, Chennai.
6. The Commissioner, Corporation of Chennai,
Chennai 600 003.
7. The Liaison Officer,
VGP Corporate Office, VGP Square,
No.6, Dharmarja Koil Street, Saidapet,
Chennai-15.

+1cc to M/s.Anand & Suryas, Advocate, S.R.No.44336

+1cc to the Government Pleader, S.R.No.44255

WP No. 5986 of 2011

KSM(CO)

SB(29/09/2021)