

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.04.2021
CORAM:
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
W.P.No.7884 of 2021

Shanmugapriya

.. Petitioner

Vs.

1. The Tahsildar,
Sholinganallur Taluk Officer,
Sholinganallur - 600 119.
Kancheepuram District.
 2. The Deputy Tahsildar,
Sholinganallur Taluk Office,
Sholinganallur - 600 119.
Kancheepuram District.
 3. The Commissioner,
St.Thomas Mount Panchayat Union,
Chitalapakkam, Chennai - 600 016.
 4. The Sub Inspector of Survey,
Sholinganallur Taluk Office,
Sholinganallur - 600 119.
Kancheepuram District.
 5. Phoenix ARC Private Ltd.,
Acting in its Capacity as Trustee of Phoenix Trust-FY09-3,
Represented by its Authorised Officer,
7th Floor, Dani Corporate Park,
No.158, C.S.T.Road, Santacruz East,
Kalina, Mumbai - 400 098.
 6. The Authorised Officer,
Phoenix ARC Private Ltd.,
No.3, Dass India Towers, 2nd Floor,
2nd line Beach, Parrys, Chennai - 600001.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 2nd respondent to survey and identify the Plot No.91-95 bearing survey Nos.29 & 30 and issue patta in favour of the petitioner for Plot Nos.91 & 95 (part) having an extend of 3600 sqft as per Sale Certificate No.4201/2013 dated 25.05.2013.

For Petitioner : Ms.Hemalatha Suresh

For Respondents 1 to 4 : Mr.S.N.Parthasarathi,
Government Advocate

ORDER

(The case has been heard through video conference)

The writ petition has been filed seeking a direction to the 2nd respondent to survey and identify the Plot No.91-95 bearing survey Nos.29 & 30 and issue patta in favour of the petitioner for Plot Nos.91 & 95 (part) having an extent of 3600 sqft as per Sale Certificate No.4201/2013 dated 25.05.2013.

2. The grievance of the petitioner is that she purchased the above mentioned property in the Court auction sale conducted under the SARFEASI Act. Subsequently, when she approached the respondents seeking patta, the revenue authorities disputed the survey number found in the sale certificate and refused to give patta. Hence, the petitioner filed the present writ petition.

3. Today, when the matter came up for hearing, the learned Government Advocate appearing for the respondents 1 to 4 submitted that earlier based on the representation given by the petitioner the first respondent has called for an enquiry. As nobody appeared for the enquiry, the first respondent adjourned the enquiry to 28.04.2021 at 03.00 p.m. and the petitioner may be directed to appear for the enquiry.

4. The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to appear before the first respondent for enquiry on 28.04.2021.

5. Considering the fact that the representation of the petitioner has been considered by the first respondent and enquiry has also been initiated, the petitioner is directed to appear for the enquiry on 28.04.2021 and without expressing any opinion on merit, this Court directs the first respondent to proceed with the enquiry and pass suitable orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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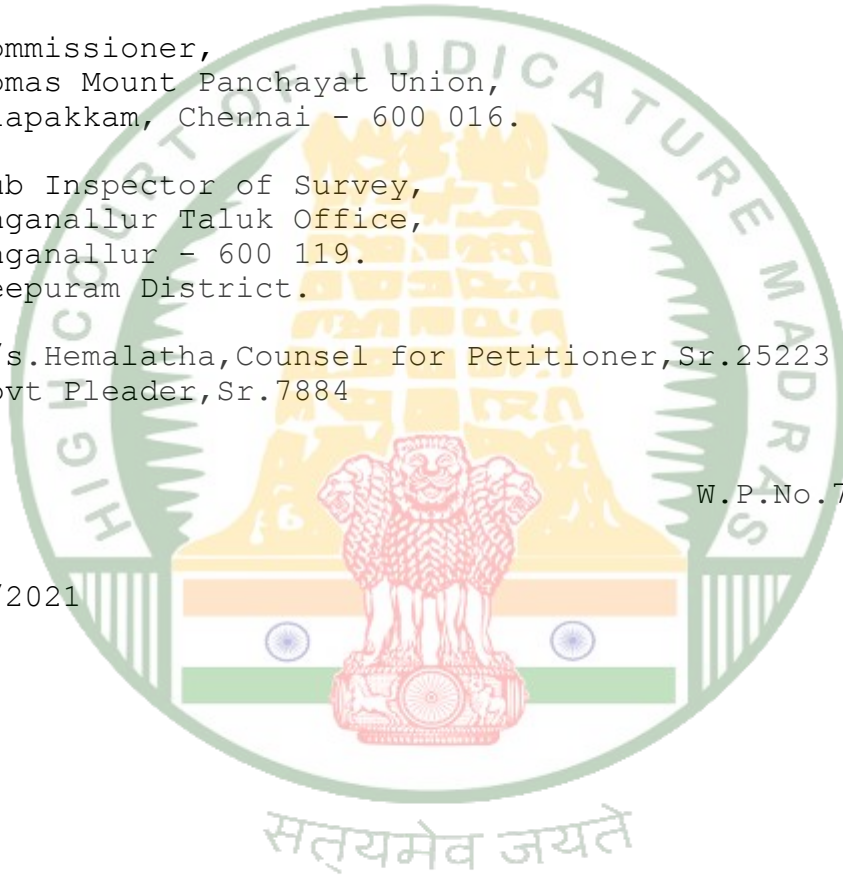
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To

1. The Tahsildar,
Sholinganallur Taluk Officer,
Sholinganallur - 600 119.
Kancheepuram District.
2. The Deputy Tahsildar,
Sholinganallur Taluk Office,
Sholinganallur - 600 119.
Kancheepuram District.
3. The Commissioner,
St.Thomas Mount Panchayat Union,
Chitalapakam, Chennai - 600 016.
4. The Sub Inspector of Survey,
Sholinganallur Taluk Office,
Sholinganallur - 600 119.
Kancheepuram District.

+1cc to M/s.Hemalatha,Counsel for Petitioner,Sr.25223
+1cc to Govt Pleader,Sr.7884

W.P.No.7884 of 2021

KJ(CO)
baf 17/05/2021



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