



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12801 of 2021

M. Kuppusamy

...Petitioner

Vs.

1.The District Collector,
Chennai District,
Rajaji Salai,
Chennai - 600 001.

2.The Tahsildar,
Perambur Taluk,
Chennai - 600 011.

3.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

4.The Inspector of Police,
Team 17, Central Crime Branch,
(Land Grabbing),
Vepery,
Chennai - 600 007.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to survey the lands in survey No.111, T.S.No.79, Block No.19, to an extent of 1435 sq.ft. situated at Door No.1/5, Teeds Garden 4th Street (formerly Agraharam Street), Perambur, Chennai - 600 011 on the basis of the petitioner's representation dated 08.02.2021 within the time limit prescribed by this Court.

For Petitioner : Mr.M. Gnanasekar

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 2nd respondent to survey the lands in survey No.111, T.S.No.79, Block No.19, to an extent of 1435 sq.ft. situated at Door No.1/5, Teeds Garden 4th Street (formerly Agraharam Street), Perambur, Chennai - 600 011 on the basis of the petitioner's representation dated 08.02.2021 within the time limit prescribed by this Court.

2. Heard, Mr.M. Gnanasekar, learned counsel appearing for the petitioner and Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner is the power agent of one Kuppusamy, who is the owner of the property comprised in survey No.111, T.S.No.79, Block No.19 to an extent of 1435 sq.ft situated at Door No.1/5, Teeds Garden, Perambur, Chennai. In the said property, originally the tenant viz., Sivakumar was staying and after his demise his sisters were illegally occupying the said property. Therefore, the petitioner lodged a complaint before the Inspector of Police, Thiru-vi-ka Nagar Police Station. The petitioner also filed a suit in O.S.No.6630 of 2018 for a declaration and also recovery of possession on the file of the XVIII Additional Judge, City Civil Court, Chennai. The petitioner lodged a complaint before the Special Court for Land Grabbing and also filed a direction petition before this Court for registration of FIR in CrI.O.P.No.15603 of 2020. This Court, by an order dated 01.10.2020, directed the fourth respondent to register the case. Accordingly, the fourth respondent registered the FIR in Crime No. 7 of 2021 for the offences under Sections 465, 467, 468, 420, 294(b), 506(i) and 120(b) of IPC against the accused persons.

4. Pending investigation, the fourth respondent requested the second respondent to survey the subject land comprised in survey No.111, T.S.No.79, Block No.19 to an extent of 1435 sq.ft situated at Door No.1/5, Teeds Garden, Perambur, Chennai. However, the second respondent did not comply with the said request and as such, the petitioner submitted a representation on 23.11.2020 and subsequently on 08.02.2021 to survey the subject property.

5. A perusal of the counter filed by the second respondent reveals that the schedule property mentioned in the settlement deed dated 29.11.1991 registered vide document No.5125 of 1995 and the power of attorney registered in favour of the petitioner vide document No.3013 of 2018 dated 29.08.2018, the property mentioned as admeasuring 1435 sq.ft situated at Door No.1/5, Teeds Garden 4th Street, Perambur, Chennai allegedly corresponding to T.S.No.79, Block No.19 of Sembium Village. Whereas, the said door number actually correlating to T.S.No.22/1, Block No.17 of Sembium Village.



Therefore, the property is not properly mentioned in the schedule of settlement deed as well as the power of attorney. The land comprised in T.S.No.79 of Block No.19 and the land in T.S.No.22/1 of Block No.17 are two different properties. The land in T.S.No.79 of Block No.19 is in possession and enjoyment of one Muniammal. Therefore, this has no relevance to the property claimed by the petitioner. Accordingly, the second respondent sent a report to the fourth respondent on 16.08.2021. Therefore, the documents submitted by the petitioner are not related to the property in Door No.1/5, Teeds Garden 3rd Cross Street, Perambur, Chennai as claimed by them. The documents are related to the property in T.S.No.79 of Sembium Village, in which the petitioner is not having any dispute. It is in possession and enjoyment of one Muniammal. It is also evident from the FMB produced by the second respondent and the extract from the Town Survey Land Register. Therefore, the writ petition is devoid of merits.

6. In the result, the writ petition stands dismissed. The fourth respondent is directed to furnish a copy of the report submitted by the second respondent to the petitioner. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lpp

To

- 1.The District Collector,
Chennai District, Rajaji Salai, Chennai - 600 001.
- 2.The Tahsildar,
Perambur Taluk, Chennai - 600 011.
- 3.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
- 4.The Inspector of Police,
Team 17, Central Crime Branch,
(Land Grabbing), Vepery, Chennai - 600 007.

+1cc to the Government Pleader SR. No.65293
+1cc to Mr.M.Gnanasekar, Advocate SR. No.64941

W.P.No.12801 of 2021