



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 20.04.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.24432 of 2018

R.Sathiyavani

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Tiruvallur District 602 001.

2.The Tahsildar,
Ambattur Taluk Office,
Chennai 600 053.

3.The Managing Director,
M/s.Siddharth Foundation and Housing Ltd.,
Door No.169, Abibullah Road,
T.Nagar, Chennai 600 017.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 10.08.2018 within a stipulated period and survey the land in Ambattur Taluk at Mughapair Village, Panner Nagar Survey No.260, T.S.No.2/1 part and Block No.37 - 0.38 cents, Survey No.268, T.S.No.2/1 Part and 1/3 Part - 0.78 cents and Survey No.257 - 0.41 cents as totally 1 acre and 57 cents of vacant land that may be fixed by this Court.

For Petitioner : Mr.M.K.Bhoopathy Rajan

For Respondents 1 to 2 : Mr.N.Inbanathan
Additional Government Pleader

For 3rd Respondent : Mr.Thomas T.Jacob



ORDER

The prayer sought for herein is for a writ of mandamus directing the second respondent to consider the petitioner's representation dated 10.08.2018 within a stipulated period and survey the land in Ambattur Taluk at Mughapair Village, Panner Nagar Survey No.260, T.S.No.2/1 part and Block No.37 - 0.38 cents, Survey No.268, T.S.No.2/1 Part and 1/3 Part - 0.78 cents and Survey No.257 - 0.41 cents as totally 1 acre and 57 cents of vacant land that may be fixed by this Court.

2.The case of the petitioner is that the petitioner's husband had landed property at various survey numbers at Mugappair Village i.e. S.Nos.260, 268 and 257. After the demise of the husband of the petitioner, the petitioner inherited the properties and she has been in possession and enjoyment of the same. Since the petitioner wanted to measure the property to find out the four boundaries and to lay the boundary stone, has given a detailed representation to the respondents especially the second respondent on 10.08.2018, however, since the same has not been considered and so far no action has been taken to measure the land in question, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

3.Heard Mr.M.K.Bhoopathy Rajan, learned counsel appearing for the petitioner, who having reiterated the aforesaid facts, would seek indulgence of this Court to give a suitable direction to the second respondent to measure the land.

4.Heard Mr.N.Inbanathan, learned Additional Government Pleader appearing for respondents 1 and 2, who would submit that, if at all any request has been given on 10.08.2018 by the petitioner to the respondents especially the second respondent, certainly the said representation would be considered and the land in question would be measured after collecting the necessary fee to that effect within a time frame that may be stipulated by this Court.

5.Heard Mr.Thomas T.Jacob, learned counsel appearing for the third respondent who would submit that, there is an interse dispute between the petitioner and the third respondent in respect of the land in question, therefore, the third respondent has got his own objection with regard to the claim made by the petitioner.

6.I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.



7.If at all the claim of the petitioner that the land in question belongs to the petitioner and in order to identify the boundary, she wanted to measure the land in question, the same can very well be undertaken by the Revenue Department i.e. the Tahsildar concerned, for which, already the petitioner has given the representation, as stated supra. However, in this case, the third respondent has made a rival claim with regard to the property in question, hence, this Court, in the given facts and circumstances of the case, is inclined to dispose of this writ petition with the following orders.

That there shall be a direction to the second respondent Tahsildar to take up the application/representation of the petitioner dated 10.08.2018 and accordingly decide the same with regard to the plea of the petitioner to measure the land in question and in this regard notice shall be given to both the petitioner as well as the third respondent separately and after hearing them and in presence of both the parties, if the Tahsildar decides to measure the land, he can go ahead, of course after collecting the necessary fee from the petitioner and complete the same within a reasonable period of eight weeks from the date of receipt of a copy of this order.

8.With this direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Sgl

To

1.The District Collector,
Office of the Collectorate,
Tiruvallur District 602 001.

2.The Tahsildar,
Ambattur Taluk Office,
Chennai 600 053.

+1cc to Mr.M.K.Bhoopathy Rajan, Advocate (SR No.24620)

W.P.No.24432 of 2018

AKII (CO)
PR (27/07/2021)