



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.19430 of 2021

Mrs. Revathy Krishnamoorthy,
No.10, 6th Cross Street, Mahalakshmi Nagar,
Adambakkam, Chennai - 600 008.
Rep. by her Power of Attorney,
G. Dhanasekar,
No.1, Gajalakshmi Nagar Main Road,
Manimangalam - 601 301,
Kancheepuram District.

... Petitioner

-Vs-

The Special Tahsildar,
Pallavaram Town Settlement Officer,
Pallavaram Taluk Office,
Pallavaram, Chennai- 600 043.

... Respondent

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondent to measure the land in New Survey field No.18/2, Ward No.C, Block No.13, Survey No.76/3A3, at Zamin Pallavaram Village, Chennai - 600 043 as per representation dated 07.12.2020 submitted to the respondent within a time frame as prescribed by this Hon'ble Court.

For Petitioner :: Mr.T.S. Baskaran

For Respondent :: Mr.K.M.D. Muhilan
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the respondent to measure the land in New Survey field No.18/2, Ward No.C, Block No.13, Survey No.76/3A3, at Zamin Pallavaram Village, Chennai - 600 043 as per representation dated 07.12.2020 submitted to the respondent within a time frame as prescribed by this Court.

2. The learned counsel for the petitioner would submit that one Mr. K. Krishnamoorthy, the husband of the main petitioner had purchased the land in Old Survey No.76/3, in Zamin Pallavaram Village, measuring to an extent of 3185



Sq.ft. under a registered Sale deed dated 23.03.1985 vide Document No.127/1985 on the file of Sub-Registrar, Pallavaram. The vendor of the said land had sold the adjacent property to various other persons. After the demise of the husband of the main petitioner, the main petitioner and her children succeeded the said property who are in possession and enjoyment of the same. After succeeding the said property, the main petitioner had submitted a representation seeking for Patta in joint name of herself and her children to the Tahsildar, Tambaram. As per the representation given by the main petitioner herein, the Tahsildar, Tambaram by his proceedings dated 16.06.2008 issued a Joint Patta in favour of the petitioner along with her children. As per Patta, the Old Survey No.76/3 was sub-divided and the new Survey number was assigned as 76/3A2 and 76/3A3 to the extent of 2402 1/2 Sq.ft. for the said land. While being so, the main petitioner and her children under a registered Power of Attorney Deed dated 13.07.2006 had appointed their representative Mr. G.Dhanasekar who is representing in this petition on behalf of the main petitioner herein, for maintenance and development of the said property. The aforesaid property and the adjacent properties are vacant lands. After being appointed representative, he had submitted a representation dated 07.12.2020 to the respondent requesting to measure the aforesaid as per title documents and Patta issued in favour of the main petitioner and her children. Even though the respondent has received the representation dated 07.12.2020, neither any steps nor action has been taken on the said representation being filed by the Power of Attorney holder, while they are ready to make necessary charges for the aforesaid task as demanded by the respondent. Hence, the petitioner has no other alternative and efficacious remedy except to approach this Court seeking for appropriate relief by invoking its jurisdiction under Article 226 of Constitution of India. Hence, this Petition.

3. The learned Government Advocate would submit that as the main petitioner and her children had valid title deed and Patta in their name, the respondent may be directed to consider their representation 07.12.2020 within a time frame as stipulated by this Court.

4. Heard, the learned counsel for the petitioner and the learned Government Advocate for the respondent as well as perused the material available on record.

5. Having considered the facts and circumstances of the case and submissions made by the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent, the respondent is directed to consider the representation dated 07.12.2020 made by the petitioner herein within a period of eight weeks from the date of receipt of copy of this order on payment of necessary charges to measure the said property.



6. With the aforesaid directions, the Writ petition stands disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

WEB COPY

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

Lbm

To:

The Special Tashildar,
Pallavaram Town Settlement Officer,
Pallavaram Taluk Office,
Pallavaram, Chennai- 600 043.

+1cc to Mr.T.S. Baskaran, Advocate SR.No.46351

+1cc to Government Pleader SR.No.47230

W.P. No.19430 of 2021

SRA (CO)
GMY (26/10/2021)