



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V BHAVANI SUBBAROYAN

W.P No.21959 of 2021

R.Premalatha

..Petitioner

Vs

1.The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore,
Chennai-8

2.The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore,
Chennai-8

3.The Senior Estate Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai-8

4.The District Revenue Officer,
Chennai District.

5.The Tahsildar,
Land Survey Section,
Tiruvotriyur,
Chennai.19.

..Respondents

Prayer: This Writ Petition is filed under Section 226 of Constitution of India to issue a Writ of Mandamus directing the respondents 2 to 5 to survey and demarcate the land comprised in Survey No.324 part, LIG-I, Plot No.24, Block No.54 admeasuring an extent of 1542 sq.ft, Edayanchavadi, Manali New town, Tiruvellore District, in term of the sale deed dated 23.02.2012 executed by the second respondent.

For Petitioner
For Respondents

:Mr.S.Vijayakumar
:Mr.V.Veluchamy
Government Advocate for R4 & R5



O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 to 5 to survey and demarcate the land comprised in survey No.324 part, LIG-I, Plot No.24, Block No.54, admeasuring an extent of 1542 sq.ft, Edayanchavadi, Manali New Town, Tiruvellore District, in terms of the sale deed dated 23.02.2012 executed by the second respondent.

2. The petitioner in her affidavit averred that the CMDA acquired vacant lands comprised in S.No.324 Edayanchavadi, Manali New Town, Tiruvallur District for the purpose of forming an improvement scheme called as "Manali New Town". In pursuance of the same, CMDA had taken over the possession of the lands which has been subsequently transferred for the purpose of plotting out and sell the same to the general public. On 16.12.1992, one V.Baskaran, applied for allotment of LIG Plot in the said scheme and consequently, he was allotted LIG Plot No.24, Block No.54, Manali New Town, vide letter of allotment No.AL9/10583/93 dated 28.08.1993. The possession of the said property was subsequently handed over to him on 07.02.1994. In response to his request, the title of the property was subsequently transferred from the said Baskaran to the petitioner vide proceedings No.AL5/10583/93 dated 22.07.2005. Eversince the petitioner had been in absolute possession and enjoyment of the same with full powers of alienation. After the payment of entire total sale consideration, the third respondent executed an absolute sale deed in favour of the petitioner dated 23.02.2012 in respect of the property comprised in S.No.324 part, Plot No.24, Manali New Town, and it was registered as Document No.1439/2012 in SRO, Tiruvotriyur.

3. The petitioner further averred that the property allotted to petitioner was not properly demarcated and hence it was necessitated to survey the same, so as to move the appropriate local authority for planning permission. The petitioner submitted a representation to the third respondent on 07.02.2019 calling upon him to survey the land and demarcate the boundaries, so as to proceed further in the matter. On receipt of the same, the second respondent in his letter No.AL2/429/2019 dated 12.06.2019 informed the petitioner to approach the Taluk Office for survey of the land. Therefore, the petitioner was constrained to send representation to the Chief Minister's cell on 16.03.2020 and requested to take appropriate action to redress his grievance. In response to the same, communications were exchanged between Superintending Engineer to the Member Secretary vide proceedings Pa.Thu.Na.Ka.No.758/2020 dated 14.05.2020 and requested the first respondent to take appropriate action. Nothing has been done by the respondents. After prolonged



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correspondences, she was constrained to move the Tahsildar, fifth respondent herein, by submitting a representation on 31.07.2020 but, no action has been taken. The representation dated 07.02.2019 addressed to the second respondent was forwarded to the District Revenue Officer for appropriate action. The said authority in his proceedings No.Na.Ka.J12/9017/2020 dated 19.08.2020 addressed the second respondent to take appropriate action on his representation dated 16.03.2020, as the same has been delayed for a period of more than 6 months, making the petitioner run from pillar to post. The second respondent on receipt of the proceedings from the District Revenue Officer, sent a reply on 16.09.2020 vide letter No.AL2/429/2019 informing that it is for the survey department in Taluk Office shall look into the matter as the sale deed stands in the name of the petitioner herein. In spite of repeated requests and reminders, no concrete steps have been taken either by the respondents herein nor by the revenue department and the fact remains that the sale of land under sale deed dated 23.02.2012 is only in the paper level, but no action has been taken to demarcate and survey the land to enable the petitioner to proceed with the construction. Numerous correspondences were exchanged in this regard. Therefore, the petitioner herein has filed this writ petition directing the respondents 2 to 5 to survey and demarcate the land in terms of the sale deed dated 23.2.2012 executed by the second respondent.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 4 & 5 and also perused the materials on record.

5. On a perusal of the records, it appears that the petitioner had purchased the land in terms of the sale deed dated 23.2.2012 executed by the second respondent. The petitioner sent a representation to the third respondent to survey the land and demarcate the boundaries. But the authorities concerned made the petitioner from pillar to post. Further, it could be seen from the sketch made by the Tamil Nadu Housing Board that Plot No.24, LIG has been shown with four boundaries for the schedule of the property. It is also seen from the representation of the petitioner that the adjacent land owner of Plot No.8, is trying to interfere with the measuring of the petitioner's property.

6. Considering the facts and circumstances of the case, this Court is inclined to direct the respondents 2 to 5 to survey the land in question and demarcate the same in terms of the sale deed dated 23.2.2012, with the help of a qualified head surveyor and if necessary, they can seek police protection, and measure the same by considering the representation of the petitioner within a period of eight weeks from the date of receipt of copy of this order.



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7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore,
Chennai-8

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Land Survey Section,
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Chennai.19.

+1 cc to Mr.S.Vijaya kumar, Advocate Sr.NO. 53639

+1 cc to Government Pleader Sr.NO. 54255

W.P No.21959 of 2021

PVS (CO)

A.SK(10.11.2021)