



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

WRIT PETITION NO.21767 OF 2021

AND

W.M.P.NO.22946 OF 2021

A.Mohanraj

... Petitioner

.Vs.

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 4.
2. The District Collector,
Chengalpattu District,
Chengalpattu.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tambaram Division,
Chennai - 5.
4. The Tahsildar,
Tambaram Taluk.

... Respondents

PRAYER:-

Petition under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to consider his grounds of appeal filed on 21.6.2021 and reminder letter dated 29.9.2021.

For Petitioner : Mr.M.Nandhakumar
For M/s.Eswar Kumar and Rao

For Respondents : Mr.P.Muthukumar,
State Government Pleader



Order of the Court was made by T.S.SIVAGNANAM, J

We have heard Mr.M.Nandhakumar, learned counsel appearing for M/s.Eswar Kumar and Rao, learned counsel on record for the petitioner and Mr.P.Muthukumar, learned State Government Pleader accepting notice for the respondents.

2. The prayer in this writ petition, styled as a public interest litigation, is for a direction upon the third respondent to consider the appeal filed by the appellant on 21.6.2021, followed by the reminder dated 29.9.2021, questioning the correctness of the order passed by the Tahsildar, Tambaram Taluk, the fourth respondent dated 21.4.2021.

3. The petitioner alleged that the land in question, where there is proposal to put up construction for the Sub-Registrar Office, Tambaram, is classified as a Kuttai (water body) and therefore, the land should not be put to use for any other purpose, but, has to be preserved as a water body.

4. Earlier, the petitioner approached this Court and filed a writ petition in W.P.No.2355 of 2020 praying for a direction upon the respondents therein to take action to shift the planned New Sub Registrar Office building of Tambaram and Selaiyur from the land in question. The said writ petition was disposed of on 03.2.2020 without going into the merits of the matter by issuing a direction to the Tahsildar, Tambaram to consider the representation given by the petitioner.

5. Alleging that the Tahsildar, Tambaram wilfully disobeyed the direction of this Court in the said writ petition, Contempt Petition No.37 of 2021 has been filed to punish the Tahsildar, Tambaram. When the said contempt petition was pending, the Tahsildar has passed an order on 21.4.2021 rejecting the representation given by the petitioner and observing that the land is not classified as water body, but, it is a Thoppu Purambokku. Aggrieved by the same, the petitioner has preferred an appeal to the third respondent.

6. So far as the classification of the land is concerned, it is for the Authorities to look into all records and take a decision in the matter.

7. The petitioner would rely upon one FMB sketch to show that the land in question is classified as a kuttai, whereas the order passed by the Tahsildar, upon verification of the records, states that the land in question is a Thoppu Purambokku. Therefore, it is appropriate for the Revenue Divisional Officer to consider the appeal petition dated 21.6.2021 and the reminder



letter dated 29.9.2021 and pass an order as expeditiously as possible, preferably, within a period of 4 weeks from the date of receipt of the copy of this order.

8. Accordingly, the writ petition is disposed of by directing the third respondent to consider the appeal petition dated 21.6.2021 and the reminder letter dated 29.9.2021 and pass an order on merits and in accordance with law within a period of 4 weeks from the date of receipt of the copy of this order. No costs. Consequently, the connected WMP is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

RS/SP

To

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 4.
2. The District Collector,
Chengalpattu District,
Chengalpattu.
3. The Revenue Divisional Officer,
Tambaram Division,
Chennai - 5.
4. The Tahsildar,
Tambaram Taluk.

+1cc to the Government Pleader, S.R.No.53153

W.P.NO.21767 OF 2021 &
W.M.P.NO.22946 OF 2021

PVS (CO)
PBS/28/10/2021