

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.4467 of 2022

K. Malini

.... Petitioner

Versus

1. The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner Land Administration
Land Administration Department,
2nd Floor,
Ezhilagam,
Chepauk,
Chennai - 600 005.
3. The District Collector,
4th Floor, M.Singaravelar Maaligai,
62, Rajaji Salai,
Chennai Collectorate,
Chennai - 600 001.
4. The Assistant Director Survey,
Rajaji Salai,
62, Beach Road,
George Town,
Chennai - 600 001.
5. The Tahsildar,
No.1, Rajiv Gandhi Salai,
1st Cross Street,
Sholinganallur,
Chennai - 600 019.

6. The Chief Engineer (General),
Water resources organization,
Public Works Department,
Chepauk,
Chennai - 600 005.

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the 3rd respondent to grant land measuring extent of 3.6 cents equivalent under RSO 15, Standing Orders of the Board of Revenue and consequently direct the 3rd respondent to collect the cost of land from the Public Officials involved in illegal tampering of Revenue Records.

For Petitioner : Mr.K.Jayasudha

For Respondents : Mr.M.Murali, GA

ORDER

This writ petition has been filed for direction to the 3rd respondent to measure the land to an extent of 3.6 cents equivalent under RSO 15, Standing Orders of the Board of Revenue pertaining to petitioner and consequently direct the 3rd respondent to collect the cost of land from the Public Officials involved in illegal tampering of Revenue Records.

2. Mr.M. Murali, learned Government Advocate takes notice for the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. It is the case of the petitioner that she is in absolute ownership of the land measuring 3.6 cents (1568 sq. ft.) in Survey No.363/6B (154, Madipakkam Village Group 2) situated at No.153, S. Kolathur Village, Raja Nagar, Sholinganallur Taluk, Kancheepuram District. She purchased the said lands from S. Syril Moses, through a registered sale deed vide Document No.8405 of 2014, dated 09.10.2014 on the file of SRO, Pallavaram and, thereafter, mutation of records were done in her favour. That being so, when the petitioner approached the 5th respondent for survey of the said land, it is her grievance that the sketch

report showed that part of the subject land belongs to canal and subsequently the said land was acquired without any notice to her. Aggrieved by the said action, she has come up with this writ petition for a direction.

4. Learned counsel for the petitioner submits that without conducting joint survey, wrong entries were shown in the sketch as well as the records. Hence, he prays for an appropriate direction from this court, to consider the grievance of the petitioner by affording an opportunity of hearing by issuing notice to the Revenue as well as PWD officials.

5. Mr.M.Murali, learned Government Advocate submits that he has no objection for issuance of such a direction by this Court.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Considering the facts and circumstances of this case, and also taking into account the fact that notice has not been given to the petitioner before passing the order, but, however, in view of the limited relief sought for, without going into the merits of the case, this court directs the third respondent to conduct survey of the subject property after giving due notice to the petitioner as well as other interested persons in the presence of the officials of the 4th respondent and 5th respondent and also the officials of PWD, within a period of four weeks from the date of receipt of a copy of order and pass orders on merits and in accordance with law on the basis of the survey undertaken by the 3rd respondent in the presence of all the aforesaid persons.

8. With the aforesaid directions, this writ petition is disposed of. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Principal Secretary to Government,
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6. The Chief Engineer (General),
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+2cc to Mr.K.Jayasudha, Advocate Sr.14856
+1cc to the Government Pleader Sr.15076

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mt[co]
srg 05/04/2022