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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8937 of 2008

and

M.P.Nos.1 of 2008 and 2 of 2015

Mrs.Jabapackiam

...Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by the Secretary to Government
Municipal Administration and
Water Supply Department
Fort St. George
Chennai - 600 009.
2. The District Collector
Kancheepuram District
Kancheepuram.
3. The Municipal Commissioner
Pallavaram Municipality
Chromepet
Chennai - 600 044.
4. The Metropolitan Transport Corporation Ltd
Rep. by its Managing Director
Pallavan House
Pallavan Salai
Chennai - 600 002.

5. E.Senthil Kumar

...Respondents

[R-5 is impleaded as per order dated 07.10.2015 in M.P.No.1 of 2015 in W.P.No.8937 of 2008]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents herein, their men, servants or agents or any one claiming under them from in any manner using the land of an extent of about 6 grounds and odd (14273 Sq.ft.) in Plot No.7, Pimash No.313/1, 300, 310 and 307 of Hathinapuram Village for the purpose of the bus stand or any other purpose.



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For Petitioner : Mr.M.L.Ramesh
For R1 and R2 : Mr.M.Rajendiran
Additional Government Pleader
For R3 : Mr.P.Srinivas
For R4 : Mr.M.Chidambaram
For R5 : Mrs.Sasikala Ramadoss

O R D E R

The relief sought for in the present writ petition is to forbear the respondents herein, their men, servants or agents or any one claiming under them from in any manner using the land of an extent of about 6 grounds and odd (14273 Sq.ft.,) in Plot No.7, Pimash No.313/1, 300, 310 and 307 of Hathinapuram Village for the purpose of the bus stand or any other purpose.

2. The petitioner states that originally a block of lands in No.160 Hasthinapuram Village near Chromepet in Saidapet Taluk of an extent of 5 acres 30 cents bearing Paimash No.313/1-Part, 300-Part, 310 and 307 belonged to one K.Venkatarama Iyer and he conveyed the same to one M.K.Krishnamachari by Sale Deed dated 21.05.1959. The said Krishnamachari had divided the said block of lands into 7 plots for being used as sites for plots and plot no.7 of an extent of 10 grounds and 90 Sq.ft., was sold by the said M.K.Krishnamachari in favour of one Dr.U.Srinivasa Rao by Sale Deed dated 29.07.1959 registered as document No.1899/1959 in the office of the Sub-Registrar, Pallavaram. The said Dr.U.Srinivasa Rao was in possession and enjoyment of the aforesaid Plot No.7 as absolute owner therefor.

3. While so, in the year 1973, the Pallavaram Municipality occupied an extent of about 6 ½ grounds in the said land along with the then Pallavan Transport Corporation and constructed a bus stand without the knowledge and consent of the said Dr.U.Srinivasa Rao. He issued a notice taking exception to the manner in which the said land was used for construction of bus stand and there was no response from the authorities. Illegal usage of the property belongs to the said Dr.U.Srinivasa Rao continued. The said Dr.U.Srinivasa Rao issued another notice to the authorities either to restore the land back to him or pay him compensation for the land.

4. The Municipal Council, by its resolution dated 17.08.1973 decided to acquire the said lands by accepting the offer of Dr.U.Srinivasa Rao and made a request on 07.11.1973 to the District Revenue Officer, Kancheepuram to fix the value for the land, so as to enable the Municipality to purchase the



said land. However, the said offer was not materialized and the illegal possession of the said land by the Transport Corporation continued. Thus, the petitioner is constrained to move the present writ petition.

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5. The learned counsel for the petitioner relied on the counter affidavit filed by the 2nd respondent / District Collector, Kancheepuram and states that the District Collector has accepted the ownership of the said Dr.U.Srinivasa Rao and his offer and willingness to handover the land to Pallavaram Municipality for construction of bus stand. Based on the offer, necessary resolution was also passed by the Municipal Council and administrative sanction was granted by the Government in G.O.Ms.No.12, Municipal Administration and Water Supply (MA5) Department dated 09.02.2005 for providing bus stand at Hastinapuram village, Tambaram Taluk, Kancheepuram District at the request of the requisitioning body, the 3rd respondent. Though the land acquisition proceedings were initiated, it was not finalized. Therefore, the illegal occupation of the said property belongs to the petitioner continued.

6. This Court in order to know the details available in the revenue records directed the Tahsildar, Pallavaram to file a report. The Tahsildar, Pallavaram in his letter dated 07.01.2022 addressed the Government Pleader, High Court of Madras, has stated that as per the Town Survey Register, the name of the petitioner is not available and the names of Thukkari, Rammanjulu Naidu-1, Kishtappa Naidu-2, Kandhasamy Naidu-3 are entered.

7. However, this Court is able to consider that the land is a patta land and therefore, an adjudication must be conducted with reference to the revenue records and the claim of the writ petitioner. The petitioner claims that she is the owner of the property and possessing all documents relating to the property. The petitioner states that she is a bonafide purchaser from her vendor by paying consideration. Therefore, she is ready and willing to establish her case before the competent authorities.

8. Further, it is brought to the notice of this Court that the Pallavaram Municipality and Transport Corporation are ready to settle the compensation in the event of determining the ownership with reference to the revenue records and documents. The quantum of compensation is also to be determined as per the provisions of the Statute as applicable.

9. Under these circumstances, this Court is of the opinion that an enquiry has to be conducted by the Revenue Divisional Officer (RDO), Tambaram, for the purpose of considering the documents and take decision with reference to the original revenue records. However, the Revenue Divisional Officer (RDO), Tambaram, cannot decide the title dispute, if



any arises. In the event of any title dispute in the matter, the Revenue Divisional Officer (RDO) has to grant liberty to the parties to approach the Competent Civil Court of law. If the issues can be resolved by conducting an enquiry with reference to the documents, evidences and revenue records, then the Revenue Divisional Officer (RDO) is well within his power to decide the issues.

10. Keeping this aspects in mind, the Revenue Divisional Officer (RDO), Tambaram, shall entertain the application, if any filed by the petitioner and adjudicate the issues by providing opportunities to all the concerned parties and take a decision and pass orders, as expeditiously as possible, as the matter is pending for many years. The petitioner is also waiting for many years to get her right of compensation.

11. Therefore, the Revenue Divisional Officer (RDO), Tambaram shall decide the issue without causing any undue delay. The petitioner is permitted to submit all documents along with an application for redressal of her grievances.

12. With these directions, the Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

Jeni/Kan

To

1. The Secretary to Government,
The Government of Tamil Nadu
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Municipal Commissioner,
Pallavaram Municipality,
Chromepet
Chennai - 600 044.



4. The Managing Director,
The Metropolitan Transport Corporation Ltd,
Pallavan House,
Pallavan Salai,
Chennai - 600 002.

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+1cc to Mr.M.Chidambaram, Advocate SR. No.1366
+1cc to Mr.P.Srinivas, Advocate SR. No.1567
+1cc to Mr.M.L.Ramesh, Advocate SR. No.1716
+1cc to Government Pleader SR. No.1950

W.P.No.8937 of 2008

BR (CO)
PR (27/01/2022)