



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P. No.30856 of 2015

P.Krishnaswamy

...Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.

2. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to resurvey the land of the petitioner bearing Plot No.10, Ponnamman Colony, measuring about 2562 Sq.ft situated in S.Nos.370/1 and 370/2 part in No.153, S.Kulattur Village, Saidapet Taluk, Chengalpattu District, covered by Sale Deed dated 17.11.1993 (D.No.3747/1983) based on earlier records (old records) and FMB within a period stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Raghupathi

For Respondents: Mr.M.Murali
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to re-survey the petitioner's land in S.Nos.370/1 and 370/2 part in No.153, S.Kulattur Village, Saidapet Taluk, Chengalpattu District, an extent of 2562 Sq.ft, within a period stipulated by this Court.

2.The learned Government Advocate takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.



3.The case of the petitioner is that the petitioner is the owner of the property in survey Nos.370/1 and 370/2 part in No.153, situated at S.Kulattur Village, Saidapet Taluk, Chengalpattu District. The said property was purchased by the petitioner under registered Sale Deed, dated 17.11.1983, vide Document No.3747 of 1983, an extent of 2562 Sq.ft. Thereafter, the petitioner made an application for re-survey of the land. On an earlier occasion, the very same petitioner filed W.P.No.10162 of 2008, for a mandamus to direct the Tahsildar/ Second respondent therein, to pass orders for issuance of Patta in favour of the petitioner for the above said land. This Court, by order dated 24.04.2008, directed the 2nd respondent therein to conclude the proceedings within a period of six weeks. Thereafter, notice was issued to the petitioner and pursuant to the order of this Court, the Tahsildar has conducted inspection of the property and found that Survey Nos.370/1 and 370/2 belonged to one Perumaralan, who is in possession of the property and there is no petitioner's name in respect of the said property. Since the Patta was issued in favour of the other person, the petitioner's application was rejected on 09.07.2007. Thereafter, the petitioner made an application to the Director General of Police to take action against one T.R.Palsen and Mariyavelvan. Thereafter, the Central Government left it to the Tahsildar to call for the Revenue Records and finally the Tahsildar called a report to the Inspector, Central Crime Branch, and it was revealed that there is no document available in favour of the petitioner and his name was not entered in the Revenue Records. Hence, this writ petition is filed with the above said prayer.

4.The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation and pass orders on merits and in accordance with law, within a specific period that may be fixed by this Court.

5.The learned Government Advocate appearing on behalf of the official respondents submitted that, already the petitioner's request was rejected by the Tahsildar on 09.07.2015. Thereafter, the petitioner made a complaint before the Law Enforcing Agency. The Law Enforcing Agency, had also closed the complaint. However, without challenging the earlier proceedings, which was concluded against the petitioner, filing this Writ petition is not sustainable. Accordingly, he prayed for dismissal of this Writ Petition.

6.The facts in the present case are not in dispute. Admittedly, the petitioner claims that he is the owner of the aforesaid property and he had purchased the said property. On the earlier occasion, the petitioner filed a writ petition



before this Court for issuance of patta in W.P.No.10162 of 2008, and pursuant to the order passed by this Court, the then Tahsildar rejected the petitioner's request on 09.07.2015. However, subsequently, the petitioner made a complaint to the Law Enforcing Agency and that the Law Enforcing Agency has also concluded the proceedings as against the petitioner. However, without challenging the same filing this Writ Petition is not maintainable.

7. With the above observations, this Writ Petition is disposed of. No costs. However, liberty is granted to the petitioner to work out the remedy in the manner known to law.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Psa

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur.

+1cc to M/s.V.Raghupathi, Advocate, S.R.No.18611

+1cc to the Special Government Pleader, S.R.No.18823

W.P. No.30856 of 2015

SKM(CO)
RGA(06/04/2022)