



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.11753 OF 2022

M.Arunachalam

... Petitioner

Vs.

1. The Commissioner of Land Administration,
Elizhagam, Chepauk,
Chennai 600 005.
2. The District Collector,
Chennai, Singaravelar Maligai, 4th Floor,
Chennai 600 001.
3. The District Revenue Officer,
Singaravelar Maligai, 4th Floor,
Chennai 600 001.
4. The Assistant Director,
Land Survey Registration,
Singaravelar Maligai, 7th Floor,
Chennai 600 001.
5. The Tahsildar,
Sholinghanallur Taluk,
Sholinghanallur, Chennai.
6. Sridevi
7. R.Arvind Kumar

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus directing the Respondents herein to take action in petitioners representation dated 03.03.2022 by measuring petitioners property as per patta, Sale deed fix the boundary.



WEB COPY

For Petitioner : Mr.R.Vijayaraghaven
For Respondents : Mr.Yogesh Kannadasan
Additional Government Pleader

Order

This petition has been filed for issuance of writ of Mandamus to direct the Respondents herein to take action on the petitioner's representation dated 03.03.2022 by measuring petitioners property as per patta, Sale deed and fix the boundary.

2. The case of the petitioner is that he is the absolute owner of the property bearing plot no.850 in S.F.No.113/40, Ram Nagar South, Madipakkam Village, Sholingnallur Taluk, to an extent of 4000 sq.ft. In the year 2017, and in order to put up construction in the property, the petitioner measured the same as per his Sale Deed and on measuring it was found that the extent of property is not around 4000 sq.ft and hence, he lodged a criminal complaint in that regard and also filed an application dated 24.05.2019 to the 5th respondent to measure and identify the area as per patta and the 5th respondent also measured the property and allotted the correct extent to the petitioner. However, when the petitioner went to the property to commence construction, he was surprised to note that the owner of the property bearing plot no.854 has put up a construction by encroaching the petitioner's extent of land and hence he again made representation dated 03.03.2022 to the respondents 2 to 5 to measure his property as per the Sale Deed and patta and also to take action to remove the encroachment made by the said person, who has unauthorizely constructed in the petitioner's land. However, no action has been taken on the said representation of the petitioner. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 03.03.2022 and may pass appropriate orders within a stipulated time frame as fixed by this Court.

4.The learned Special Government Pleader appearing for the official respondents has no objection for said order being passed.



5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents 2 to 5 to consider the petitioner's representation dated 03.03.2022 on merits and in accordance with the Survey and Boundaries Act, 1923 and pass appropriate orders after affording opportunity to the necessary parties including the owner of the property in plot no.854, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

sk

To

1. The Commissioner of Land Administration,
Elizhagam, Chepauk,
Chennai 600 005.
2. The District Collector,
Chennai, Singaravelar Maligai, 4th Floor,
Chennai 600 001.
3. The District Revenue Officer,
Singaravelar Maligai, 4th Floor,
Chennai 600 001.
4. The Assistant Director,
Land Survey Registration,
Singaravelar Maligai, 7th Floor,
Chennai 600 001.
5. The Tahsildar,
Sholinghanallur Taluk,
Sholinghanallur, Chennai.

+1cc to M/s.R.Vijayaraghaven, Advocate, S.R.No.32370

+1cc to the Government Pleader, S.R.No.33714

W.P.No.11753 of 2022

GPL(CO)

RLP(30/06/2022)