



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32195 of 2014

V.Ahammad Basha

... Petitioner

Vs.

1.The Collector,
Kancheepuram District.

2.The Executive Officer,
Nandivaram Guduvancheri Panchayat,
No.10, Gandhi Street,
Guduvancheri & Post - 603 202.
Chengleput Taluk,
Kancheepuram District.

3.M.K.Thandapani

4.Sarasu

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 03.03.2014, whereby the petitioner had requested them to re-convey and restore the schedule property, being petitioner's father's property to its original position as directed by the District Munsif Court of Chengalpattu by its Judgement and Decree dated 15.06.2001, within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : No Appearance

For Respondents: Mr.G.Krishna Raja
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 03.03.2014, whereby the



petitioner had requested them to re-convey and restore the schedule property, being petitioner's father's property to its original position as directed by the District Munsif Court of Chengalpattu by its Judgement and Decree dated 15.06.2001, within a time frame as may be fixed by this Court.

2. Heard the learned Additional Government Pleader. There is no representation on behalf of the petitioner. Since the writ petition is of the year 2014, this Court is inclined to dispose of the same based on the materials available on record.

3. The case of the petitioner is that the petitioner's father owned 267 sq.ft. of triangular ground comprised in Srinivasapuram layout and in S.Nos.106/2A, 107/2, 107/3 and 110 bearing Plot No.122 situated at No.5, Guduvancheri Village, Chinglepet Taluk, Kancheepuram District and had put up a thatched house and also obtained electricity service connection. Thereafter, the petitioner's father applied for sub - division of the property and accordingly it was sub - divided and a separate survey no.106/2A5 was assigned to the property.

4. The further case of the petitioner is that the respondents 3 and 4 along with some others trespassed into the subject property and dismantled the thatched house and formed a road. Aggrieved by the same, the petitioner's father filed O.S.No.268 of 1998 before the District Munsif Court, Chengalpattu for declaration of his title and for permanent injunction and the said suit was decreed in favour of the petitioner's father on 15.06.2001, however, the respondents failed to comply with the decree dated 15.06.2001 in O.S.No.268 of 1998. Hence, the petitioner's father filed execution proceedings and the respondents paid the amount as per the decree in O.S.No.268 of 1998, however, failed to re - convey the land. Hence, the petitioner's father made representation to the respondents seeking to re - convey the land and died without peace. Thereafter, the petitioner made representation to the respondents seeking to re - convey the subject property and since there was no response, has filed this writ petition.

5. Considering the limited relief sought for in this writ petition, this Court, without expressing any opinion on the merits of the case, directs first respondent to consider the petitioner's representation dated 03.03.2014 and pass appropriate orders in terms of the Judgement and Decree dated 15.06.2001 made in O.S.No.268 of 1998 by the District Munsif Court of Chengalpattu, if the same has not been disposed of already, within a period of twelve weeks from the date of



receipt of a copy of this order.

6.This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1.The Collector,
Kancheepuram District.

2.The Executive Officer,
Nandivaram Guduvancheri Panchayat,
No.10, Gandhi Street,
Guduvancheri & Post - 603 202.
Chengleput Taluk,
Kancheepuram District.

+lcc to the Government Pleader SR.No.35105

W.P.No.32195 of 2014

VG-II(CO)
CB(07/07/2022)