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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.28263 of 2022

S.Kamalam

... Petitioner

Vs.

1. The Tahsildar (Urban Land Planning),
First Floor, Alandur Taluk,
Alandur Taluk Office,
Chennai 600 016.

2. The District Collector,
Chennai District,
Singaravelar Maaligai,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent made in Na.Ka.No.A2/1078/2021 dated 18.04.2022 and to quash the portion of the order which directs for entering the name of the petitioner's erstwhile vendor, Perumal Pillai, and consequentially direct the first respondent to assign patta in the name of the petitioner for the entire extent of T.S.No.16, as per the title deeds, and to make necessary changes and entries manually in the corresponding Registers and also in the computer by effecting necessary mutation of all revenue records and also subsequently to sub-divide the portion of petitioner's land on the south-west side, now in the possession of CMWSSB wherein an Overhead Water Tank is situated in an extent of 0.00.89.00 sq.mts out of the total extent of 0.05.53.5 sq.mts, and grant restricted patta for the remaining area of 0.04.64.5 sq.mt., over which physical possession is held by the petitioner and grant other reliefs as deemed fit by this Court.



For Petitioner : Mr.P.Paramasiva Doss
For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent made in Na.Ka.No.A2/1078/2021 dated 18.04.2022 and to quash the portion of the order which directs for entering the name of the petitioner's erstwhile vendor, namely Perumal Pillai, and consequentially direct the first respondent to assign patta in the name of the petitioner for the entire extent of T.S.No.16, as per the title deeds, and to make necessary changes and entries manually in the corresponding Registers and also in the computer by effecting necessary mutation of all revenue records and also subsequently to sub-divide the portion of petitioner's land on the south-west side, now in the possession of CMWSSB wherein an Overhead Water Tank is situated in an extent of 0.00.89.00 sq.mts out of the total extent of 0.05.53.5 sq.mts, and grant restricted patta for the remaining area of 0.04.64.5 sq.mt., over which physical possession is held by the petitioner and grant other reliefs as deemed fit by this Court.



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2. This Court, vide order dated 20.10.2022 issued direction to the first respondent/Tahsildar to sub-divide the property in T.S.No.16/1, situated at Arul Jothi Street, Puzhudivakkam, Chennai, and issue Patta in favour of the petitioner, if it is otherwise in order and to file compliance report on 01.11.2022. However, as there was a confusion with regard to the overhead tank put up by the Chennai Metro Water Supply and Sewerage Board, the first respondent has not issued Patta and sub-divided the subject property in favour of the petitioner. The first respondent appeared before this Court and agreed to issue Patta along with sub-division in respect of the remaining portion of the subject property, and therefore, the matter was adjourned to 10.11.2022 under the caption for "reporting compliance".

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the Revenue Officials granted Patta in favour of the petitioner. Further, he contented that some of the portions of the petitioner's property were encroached by the Government Officials for the construction of overhead water tank, without following the process of acquisition and no compensation has been paid for such encroachment portion and hence, he seeks liberty to work out the



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remedy in respect of the unauthorised encroachment on the petitioner's property.

4. In view of the fact that Patta has been granted, nothing survives for further adjudication and accordingly this Writ Petition is closed. However, liberty is granted to the petitioner to proceed in accordance with law seeking for compensation in respect of encroachment made in the petitioner's property by the concerned department. No costs.

10.11.2022

Speaking Order : Yes/ No

Internet: Yes/ No

jd

Note to office: Issue order copy on 16.11.2022

To

1. The Tahsildar (Urban Land Planning),
First Floor, Alandur Taluk,
Alandur Taluk Office,
Chennai 600 016.
2. The District Collector,
Chennai District,
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M.DHANDAPANI, J.

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