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W.P.No.30447 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30447 of 2022

K.A.Gopinath

... Petitioner

Vs

1.The Director,
Survey and Settlement Department,
Survey House, Chepauk, Chennai.

2.The Collector of Chennai,
Chennai Collectorate,
Singaravelan Maligai,
Rajaji Salai, Chennai – 600 001.

3.The Revenue Divisional Officer,
Chennai North Division,
Chennai District.

4.The Tahsildar,
Perambur, Chennai – 600 011.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 03.09.2021 based on the proceedings issued by the 1st respondent made in O.Mu.NA4/21584/2021 (NI.A) dated



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28.09.2021, within the time stipulated by this Court.

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For Petitioner : Mr.N.Umapathi

For Respondents : Mr.U.Bharanidharan
Additional Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, to direct the 1st respondent to consider the representation of the petitioner dated 03.09.2021 based on the proceedings issued by the 1st respondent made in O.Mu.NA4/21584/2021 (NI.A) dated 28.09.2021, within the time stipulated by this Court.

2.The case of the petitioner is that the Government of Tamil Nadu formulated a Scheme and established Industrial Co-operative Estate comprised in S.No.765 at Vyasarpadi, Perambur, Purasawalkam – Perambur Taluk, Chennai District and the maintenance of the said Co-operative Industrial Estate was vested with the Special Officer of the Vyasarpadi Co-operative Industrial Estate. While so, one R.Radhakrishnan was allotted the property of Twin Shed land of Vyasarpadi Co-operative Industrial Estate,



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comprised in R.S.No.765 of Vyasarpadi, Permbur, Chennai, measuring total extent of 3 grounds 944 Sq.ft by order No.496/VCIE/83-84 dated 09.07.1988 and No.17/DW/2000 dated 07.03.2000 by the concerned Special Officer, thereafter, a Sale Deed was executed on 19.09.2001 registered as Doc.No.318 of 2001 on the file of the SRO, Purasawalkam. The petitioner further submits that no objection was issued to the said Radhakrishnanan for selling the Schedule 'A' mentioned property vide proceedings No.R.C.NoTwinshed/2003-04 dated 27.01.2004 issued by the Assistant Director/ Special Officer, Vyasarpadi Co-operative Industrial Estate Ltd, Chennai 600 039.

3.While that being so, out of the said 8448 sq.ft, 1233 Sq.ft of patta land was purchased by the petitioner on 28.12.2007 registered as Doc.No.5193 of 2007 and the remaining land to an extent of 7215 Sq.ft. purchased by one Balakumar, registered as Doc.No.5192 of 2007. Thereafter, the said Balakumar gave an application for issuance of the patta to the Tahsildar, Perambur and the same was issued vide CA 427/2008 on 24.06.2008 by sub dividing the survey No.765/8 and 765/9. Only then, the petitioner came to know about the discrepancies in the computerized



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enteries as Sarkar Poramboke. Therefore, the petitioner made a representation dated 27.10.202 and subsequently, another representation dated 03.09.2021 to rectify the error, whereas, the 1st respondent forwarded the same to the RDO by his order dated 28.09.2021. However, no order was passed on the same. Hence, the petitioner has filed the present Writ Petition.

4.Learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 03.09.2021, to rectify the error and pass orders on the same within a particular time frame fixed by this Court.

5.Mr.U.Baranidharan, learned Additional Government Pleader appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

6.Heard learned counsel appearing on either side and perused the materials available on record.

7.In view of the aforesaid submissions, this Court without expressing



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any opinion on the merits of the case directs the 4th respondent to consider the petitioner's representation dated 03.09.2021, to rectify the error, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

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

16.11.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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- 2.The Collector of Chennai,
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M.DHANDAPANI,J.

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