



WEB COPY



W.P.No.13981 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.13981 of 2022 and
W.M.P.Nos.13233, 13235 & 34517 of 2022

M.K.Ganesh

... Petitioner

Vs

- 1.The State of Tamilnadu,
Rep. By its Secretary to the Government,
Revenue Department,
Secretariat, Chennai – 600 009.
- 2.The Tamil Nadu Urban Habitat Development Board,
Rep. By its Chairman,
No.5, Kamarajar Salai, Chepauk,
(Near Vivekananda House)
Chennai – 600 005.
- 3.The District Collector,
Chengalpet District Collector Office,
GST Road, Chengalpattu – 603 001.
- 4.The District Registrar,
10, Kancheepuram Main Road,
Chengalpattu – 603 002.
- 5.The Special Assistant Director,
Land Ownership Record Scheme,
Saidapet, Chennai – 600 015.
- 6.R.Thaiyammal (Fictitious Person)
- 7.M.Nagarajan
- 8.Susil Adam Seelan

... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in G.O.Ms.No.51, Revenue (Nee.Mu.5) Department dated 24.01.2007 and also the entry in 'A' Register dated 30.09.1985 on the file of the 5th respondent, quash the same in respect of the lands owned by the petitioner in Survey No.511 at Perumbakkam Village, Tambaram Taluk to the extent of 4 acres and consequently direct the respondents not to interfere with his legal possession and enjoyment of the said lands.

For Petitioner : Mr.R.Singaravelan
Senior Counsel for
Mr.M.Rajamani

For Respondents : Mrs.Akila Rajendran
Govt. Advocate for R1 to R5

For R6 : No such person
For R7 : Died
For R8 : No appearance

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in G.O.Ms.No.51, Revenue (Nee.Mu.5) Department dated 24.01.2007 and also the entry in 'A' Register dated 30.09.1985 on the file of the 5th respondent, quash the same in respect of the lands owned by the petitioner in Survey No.511 at Perumbakkam Village, Tambaram Taluk to the extent of 4 acres and consequently direct the respondents not to interfere with his legal possession and enjoyment of the said lands.



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2. Though such a larger prayer has been asked for in this writ petition, when this writ petition is taken up for hearing Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioner to make the submissions that, 4 acres of land at Survey No.511 at Perumbakkam Village, Tambaram Taluk belongs to the petitioner to claim right over the property based on 04.02.1929 sale deed of the grandfather of the petitioner from whom the mother and subsequently the petitioner inherited the property according to the learned Senior Counsel for the petitioner.

3. When that being the position, when the Government taken a decision to construct houses for slum dwellers who are affected due to Tsunami had passed a Government Order in G.O.(Ms).No.51, Revenue Department dated 24.01.2007 giving enter upon permission to the Tamil Nadu Urban Habitant Development Board to construct such tenaments where 46.65 hectares of lands have been included at various survey numbers in the said village including the lands claimed to be the lands of the petitioner.



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4. Therefore the learned Senior Counsel for the petitioner would submit that, even though the GO was challenged subsequently, the petitioner had given a detailed representation on 15.02.2022 to the official respondents where the petitioner had claimed that, he is the owner of the property to the extent of 4 acres of land as stated supra, which has also been included in the 46 acres of land covered under the GO impugned and therefore the said representation shall be considered after giving an opportunity of being heard to the petitioner as well as the private respondents as they also seems to have made a claim that, they are owners of the part of the said property and after hearing all these parties, based on the documents and inputs to be supplied and produced by the petitioner and other private respondents, a decision can be made by the revenue authorities as to whether the petitioner is the owner of the property in question or not and accordingly a decision can be arrived at.

5. For the aforestated arrangement, Mrs.Akila Rajendran, learned Government Advocate appearing for the respondents 1 to 5 would submit that, insofar as the consideration of the representation of the petitioner dated 15.02.2022 is concerned, that can very well be considered by the



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respondents, however merely because the official respondents have agreed to consider the representation given by the petitioner, the stand of the official respondents that the land belongs to the Government for the purpose of constructing tenaments to the slum dwellers is concerned is not given up.

6. With this aforestated, the learned Government Advocate would submit that, the said representation of the petitioner would be considered and an opportunity of being heard would be given to the petitioner as well as the private respondents and thereafter a decision would be taken and that would be communicated to the petitioner and other respondents.

7. Considering the said submissions made by the learned counsel appearing for the petitioner as well as the learned Government Advocate for the official respondents and in view of the orders going to be passed in this writ petition, having dispensed with the notice to the private respondents, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 1st respondent to consider the representation given by the petitioner dated



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15.02.2022. While considering the same, notice shall be given to the petitioner as well as the private respondents indicating the date of hearing and accordingly after giving an opportunity of being heard to the petitioner as well as the private respondents where, if at all any documents in support of the claim of the petitioner are found by the official respondents or any further input are supplied that can also be taken into account by the 1st respondent and accordingly a decision can be arrived at by the 1st respondent as to who is the owner of the property and whether the claim made by the petitioner as well as the private respondents can be accepted or not and accordingly a decision can be arrived at by the 1st respondent and such decision shall be communicated to the parties i.e. the petitioner as well as the private respondents. The needful as indicated above shall be undertaken by the 1st respondent within a period of twelve weeks from the date of receipt of a copy of this order.



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8. With this direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order : Yes/No

Sgl

To

- 1.The Secretary to the Government,
State of Tamilnadu,
Revenue Department,
Secretariat, Chennai – 600 009.
- 2.The Chairman,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chepauk,
(Near Vivekananda House)
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- 3.The District Collector,
Chengalpet District Collector Office,
GST Road, Chengalpattu – 603 001.
- 4.The District Registrar,
10, Kancheepuram Main Road,
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R.SURESH KUMAR, J.



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