



WEB COPY



W.P.No.21490 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.21490 of 2023

S.D.Sayeram

... Petitioner

Vs.

1. The Commissioner,
Commissionerate of Survey and Settlement,
Government of Tamilnadu, Chepauk,
Chennai - 600005.

2. The Special Tahsildar,
Town Settlement,
Pallavaram Taluk,
Chennai - 600117.

3. The Special Tahsildar(Land Acquisition),
Highways Department,
M.M.R.D. Scheme, Tambaram Taluk Office,
Tambaram, Chennai - 600045.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, to call for the records from the Respondents and direct the 1st Respondent to consider the Petition Dated 16.08.2018, followed by reminder dated 10.01.2023, sent to the 2nd Respondent and declare out of 25 Cents, the left over vacant land of 2 Cents bearing Survey Numbers 200/7A1 and 7A2 (New) Present Town



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Survey Nos. 181(Part) and 182(part) to the Petitioner within the Stipulated time that may be fixed by this Hon'ble Court.

For Petitioner : Mr.C.K.Syed Shaffi
For Respondents :
(R1 to R3) : Mr.T.Venkatesh Kumar,
Special Government Pleader

ORDER

The relief sought in the present writ petition is to direct the 1st Respondent to consider the Petition dated 16.08.2018, followed by reminder dated 10.01.2023, sent to the 2nd Respondent to declare, the left over vacant land of 2 Cents out of 25 Cents bearing Survey Numbers 200/7A1 and 7A2 (New) Present Town Survey Nos.181(Part) and 182(part) to the Petitioner within the Stipulated time that may be fixed by this Hon'ble Court.

2.The petitioner states that portions of his land were acquired by the Highways Department for expansion of road projects. The petitioner is not claiming the acquired land and in respect of the left out portion of the land measured to an extent of 2 Cents has been fraudulently registered by some other persons.



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3.The learned counsel for the petitioner states that the property belonging to the petitioner was illegally transacted by some persons. When the petitioner is not questioning the acquisition proceedings and taking steps to recover the left out portion from the private individuals, he has to approach the competent Civil Court of law. In alternate, the petitioner may submit a complaint to the District Registration for cancellation of the fraudulent document registered by following the proper procedures. Thus, the petitioner has to approach either the Civil Court or the authorities of the Registration under the Registration Act or otherwise in the manner contemplated under law.

4.However, the Writ Court cannot adjudicate such disputed facts for the purpose of granting relief to the petitioner since the very dispute relates for recovery of possession of his property from private individuals.

5.With these liberties, the writ petition stands **disposed of**. However, there shall be no order as to costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

To

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Chennai - 600005.
2. The Special Tahsildar,
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