



W.P.No.22908 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22908 of 2023

S.Swaminathan

...Petitioner

Vs.

1.The Commissioner,
Greater Chennai Corporation,
Chennai – 600 003.

2.The Zonal Officer,
Greater Chennai Corporation,
Thasamakka,
Otteri, Chennai – 600 012.

3.The Revenue Divisional Officer,
Central Chennai Division,
Anna Nagar West Extension,
Chennai – 600 101.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to effect sub division to the petitioner's property measuring 20 cents comprised in Old S.F.Nos.9/1 and 9/2 corresponding to T.S.No.30, Block No.3, Ganesh Nagar, Kolathur Village, Chennai by considering his application dated 27.11.2018 and the representations dated 23.12.2021, 07.01.2022, 26.04.2022, 12.07.2022 and 16.06.2023

For Petitioner : Mr.N.Manokaran

For Respondents 1 & 2 : Mr.P.Prithvi Chopda
Standing Counsel

For Respondent 3 : Mr.N.Naveen Kumar
Government Advocate

ORDER

The writ petition is filed seeking a direction to the first respondent to effect sub division to the petitioner's property measuring 20 cents in Old S.F.Nos.9/1 and 9/2 corresponding to T.S.No.30, Block No.3, Ganesh Nagar, Kolathur Village, Chennai, by considering the application of the petitioner dated 27.11.2018.



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2.It is the case of the petitioner that his mother purchased the above mentioned property under a oral sale in the year 1972 from one Raghava Naicker. Subsequently, one V.Ragahvan and others filed the suit in O.S.No. 3430 of 1991 on the file of VIII Assistant City Civil Court, Chennai, for declaration that the above mentioned land is the common park and for injunction restraining the petitioner from committing trespass over the property. The said suit was dismissed and the appeal filed by the plaintiff in the suit in A.S.No.101 of 1999 on the file of IV Additional City Civil Court, Chennai, was also dismissed. The order passed by the first Appellate Court was confirmed by this Court by Judgment and Decree dated 21.10.2010. On the strength of the Civil Courts' order, the petitioner submitted an application before the first respondent to effect sub division of the above said property. The said application was rejected by the first respondent. Challenging the same, the petitioner filed an appeal before the Government and the Government by order dated 11.10.2018 forwarded the application filed by the petitioner again to the 1st respondent with a direction to dispose of it on merits. Subsequently, the



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petitioner submitted a representation on 27.11.2018 before the first respondent, seeking consideration of his application for sub division as per the order passed by the Government. The said application is not considered by the first respondent on merits in spite of several subsequent representations.

3.Mr.P.Prithvi Chopda, learned Standing Counsel takes notice for the respondents 1 & 2. Mr.N.Naveen Kumar, learned Government Advocate takes notice for the 3rd respondent.

4.In view of the limited prayer made in the writ petition, without expressing any opinion on the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the first respondent to dispose of the application filed by the petitioner dated 27.11.2018 on merits and in accordance with law after giving sufficient opportunity to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.



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5. With the above direction, the writ petition stands disposed of. No

costs.

03.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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S.SOUNTHAR, J.
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