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W.P.No.25988 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25988 of 2021

T.Rajendran

... Petitioner

Vs.

- 1.The Commissioner,
The Greater Chennai Corporation Commissioner Office,
Ripon Building, 1st Floor,
Raja Muthaih Road, Kannappar Thidal,
Periyamet, Chennai 600 003
- 2.The Collector,
Office of the Collectorate Chennai,
Singaravelan Maligai,
No.62, Rajaji Salai, 4th Floor,
Chennai 600 001
- 3.The Tahsildar,
Office of the Tahsildar Office,
Old Mahabalipuram Road,
TNHB, Sholinganallur, Chennai 600 119
- 4.The Regional Deputy Commissioner(South),
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai 600 020
- 5.The Zonal Officer,
Zone XV, No.120, Rajiv Gandhi Salai,
Old Mahabalipuram Road,
Sholinganallur,
Chennai 600 119

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the 1st to 5th respondents to consider the representation dated 10.10.2021 and kindly provide the petitioner to do agriculture work in his patta land with peaceful possession and enjoyment of right, the fifth respondent kindly permit him to accessing road through the common passage and remove the constructed wall.

For Petitioner : Mr.J.Arul Prakasam

For Respondents

For R1, 4 & 5: M/s.P.T.Rama Devi,

For R2 & 3 : Mr.V.Manoharan,
Additional Government Pleader
Advocate
Commissioner : Mrs.S.Viji

ORDER

This writ petition has been filed for direction to respondents 1 to 5 to consider the representation submitted by the petitioner seeking entry to his patta land to do agriculture and also for peaceful possession and enjoyment.

2. The specific case of the petitioner is that the petitioner owns a land admeasuring 10 cents comprised in survey No.63/2 situated at



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Karapakkam Village, Sholinganallur Taluk. Adjacent to the said property, there is a pond comprised in survey No.98/2 i.e. on the western side. The only access to the petitioner's land is through the said bund of pond on the western side. However, the fifth respondent had put up fencing on the western side and as such, the petitioner could not able to access the patta land.

3. Therefore, this Court appointed Advocate Commissioner to inspect the subject property with the help of a surveyor and to submit a report. The Advocate Commissioner submitted report on 06.09.2024, which revealed that the subject property was identified by the surveyor and found that it is surrounded with fence on the western boundary and surrounded with patta lands on other three sides. Therefore, the Commissioner could not enter into the subject property.

4. The learned counsel appearing for respondents 1, 4 & 5 submitted that the fence was not put up by them. That apart, it is not an agricultural land and the petitioner cannot do any agriculture within the area of 10 cents.



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5. However, this Court finds that there is no access to reach the property in the said patta land. Therefore, the petitioner can very well remove the fence and use the bund of pond as access to his patta land.

6. Further, the Advocate Commissioner filed memo for considering additional remuneration. Considering the same, it is ordered that the petitioner shall pay another sum of Rs.10,000/- (Rupees Ten Thousand only) as additional remuneration to the Advocate Commissioner within a period of two weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

09.09.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

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