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WP.No.34641 of 2024

In the High Court of Judicature at Madras

Dated : 22.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34641 of 2024

L.K.Prakash Narayan

...Petitioner

Vs

1.The Tahsildar, Shlinganallur
Taluk, No.1, I Cross Street,
New Kumaran Nagar,
Sholinganallur, Chennai-119.

2.The Collector, Singaravelar
Maaligai, 62, Rajaji Salai,
Chennai-1.

3.Indian Bank, rep.by its
General Manager, 264,
Avvai Shanmugam Salai,
Royapettah, Chennai-14.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 01.10.2024 submitted on 09.10.2024 to survey the lands situated at plot No.885 measuring about 4,800 sq.ft, Ram Nagar Layout, 154, Madipakkam Village, now Madipakkam-1 Village, Sholinganallur Taluk comprised in S.No.117/2, Paimash Narayanapuram Varisai 10th Thakku, Letter No. 24 now S.No.117/57 under application No.2024/0123/02/000534



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dated 10.9.2024.

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For Petitioner : Mr.R.Kumar
For R1 & R2 : Mr.G.Velu, AGP

ORDER

Seeking a Mandamus to the first respondent to consider his application dated 10.9.2024 and to consider his representation dated 01.10.2024 to conduct a survey in respect of the land measuring about 4,800 sq.ft. at plot No.885, Ram Nagar Layout, 154, Madipakkam Village, now Madipakkam-1 Village, Sholinganallur Taluk comprised in S.No.117/2, Paimash Narayanapuram Varisai 10th Thakku, Letter No.24 now S.No.117/57, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for respondents 1 and 2.

3. The case of the petitioner is as follows :

(i) His father purchased the said property under a sale deed dated 06.5.1963 registered as doc.No.857 of 1963 on the file of the Sub-Registrar, Pallavaram. After his father's demise, the petitioner



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and other legal heirs inherited the said property and ever since the date of purchase, they are in uninterrupted possession and enjoyment of the said property.

(ii) During the year 2015, pursuant to the alleged deposit of title deeds on 13.8.2013 by one Mr.K.B.Gopinathan, the third respondent issued a possession notice, for which, the petitioner raised his objections. However, even as on date, the petitioner is in possession and enjoyment of the said property. The said property of the petitioner is in Ram Nagar Layout whereas the land under mortgage is in Ram Nagar South Layout.

(iii) Thereafter, the petitioner approached the Debts Recovery Tribunal-III, Chennai through his power agent challenging the possession notice dated 03.10.2015 issued by the third respondent - bank by filing an appeal. However, the said appeal was disposed of by order dated 15.12.2016 by directing the parties to approach the civil court. Subsequently, the petitioner applied to the first respondent on 10.9.2024 seeking to conduct a survey of the said property. He also paid necessary charges. He sent a representation dated 01.10.2024 to the first respondent stating that the land under mortgage is in part of Paimash No.1210/4, Moolakothalam Varisai, Thakku Nos.22 and 23 in S.No.117. However, it did not evoke any response. Hence the writ petition.



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4. The fact that the said property belongs to the petitioner and the other legal heirs is seen from the narration in the affidavit filed in support of the writ petition. Since the petitioner and other legal heirs inherited the said property, the petitioner requested the first respondent to conduct a survey.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the first respondent to conduct survey of the said property. The petitioner shall submit all the relevant records to show their title to the said property and the first respondent shall, after issuing notice to the interested parties, hold an enquiry and thereafter, pass orders either surveying and subdividing the property or rejecting their request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

22.11.2024

RS



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P.T.ASHA,J

RS

To

- 1.The Tahsildar, Shlinganallur
Taluk, No.1, I Cross Street,
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Sholinganallur, Chennai-119.
- 2.The Collector, Singaravelar
Maaligai, 62, Rajaji Salai,
Chennai-1.
- 3.The General Manager, Indian Bank,
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