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W.P.No.39375 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.39375 of 2024
and
W.M.P.No.42653 of 2024

K.Kala

... Petitioner

Vs.

1.The Tashildhar
Sholinganallur Taluk Office,
Sholinganallur Taluk,
Chennai District

2.S.James Selvaraj

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the first respondent to conduct and conclude the enquiry on the petitioner's representation dated 08.11.2024, in respect of the sub-division of S.No.96/12 from 96/6B of Neelangarai Village, Sholinganallur Taluk, Chennai District, within the limits prescribed by this Hon'ble Court and pass such further suitable orders in the circumstances of the case.

For Petitioner : M/s.P.Thiagarajan

For Respondents : M/s.M.R.Gokul Krishnan, AGP
for R1



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ORDER

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"directing the first respondent to conduct and conclude the enquiry on the petitioner's representation dated 08.11.2024, in respect of the sub-division of S.No.96/12 from 96/6B of Neelangarai Village, Sholinganallur Taluk, Chennai District, within the limits prescribed by this Hon'ble Court and pass such further suitable orders in the circumstances of the case. "

2. It is the case of the petitioner that she, her son and daughter are the absolute owners of the property comprised in Old Survey No.58/1 (part), New Survey No.97/6 (part), Neelankarai Village, "East Coast Road", Sholinganallur Taluk, Chennai District, measuring an extent of 1161.4 sq.ft. out of total extent of 2325 sq.ft of land, which was inherited from the petitioner's husband, S Krishnasamy. He in turn had purchased an extent of 8 cents from one Saroja Ammal, wife of Veerasamy and her son under a registered sale deed dated 27.04.1981. The 1st respondent had issued patta



number 587 for the said land in the name of the petitioner's husband. Chitta and Adangal were also issued in his name.

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3. Subsequently, the said Krishnasamy had sold an extent of 1127.5 sq.ft. of land out of a total extent of 2325 sq.ft. of land to his brother late Kailasam under a registered sale deed dated 20.08.2013. The remaining extent of 1161.4 sq.ft. continued to stand in the name of Krishnasamy. Although the said Kailasam had purchased a portion of the property, patta number 147 has been issued in his name for the total extent of 2325 sq.ft. and the petition for subdividing the land is pending before the authorities. The family members of the said Kailasam had constructed a house in the said property and the property has been assessed to property tax. Similar, is the case of the petitioner.

4. The petitioner's husband, Krishnasamy had passed away on 24.12.2022 leaving behind him surviving the petitioner, a son and a daughter. The said Kailasam had passed away on 16.08.2019 leaving behind him surviving his wife and two sons as his legal heirs.

5. While so, a portion of the property had been acquired by the



Highway Department for laying a 6 lane road in the year 2000. At the time of enquiry in the land acquisition proceedings, the 2nd respondent had filed a petition claiming compensation for an extent of 200 sq.ft. in S.No.97/6 of Neelankarai Village, in the said property. Since no supporting document had been produced by the 2nd respondent in support of his claim before the authority, the authority had rejected his claim.

6. Meanwhile, the 2nd respondent had contended that he had got a patta from the VAO and when the petitioner had verified with the VAO she had found that in the FMB sketch there was a sub division as S.No.97/12 and patta number 575 was also mentioned in the VAO Register. However, no proceedings in respect of the said subdivision had been mentioned in the FMB and no notice had been issued to the petitioner in this regard. The legal heirs of Kailasam also had not received any notice from the authorities. Therefore, the petitioner had submitted a representation dated 08.11.2024 to the 1st respondent demanding an inquiry. Despite the Tahsildar informing that this is a clear case of fraud and that an inquiry has to be done, there is a reluctance to conduct an inquiry. Therefore, the petitioner is before this Court.

7. Heard the learned counsel for the petitioner and the learned AGP



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taking notice for the 1st respondent.

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8. In the light of the facts set out above and taking into consideration the statement of the Tahsildar that the assignment of patta in favour of the 2nd respondent is a clear case of fraud and enquiry has to be done by the RDO, Guindy, the Writ Petition is allowed with a direction to the 1st respondent to conduct and conclude the enquiry on the petitioner's representation dated 08.11.2024 regarding the sub-division of survey number 96/12 from 96/6B of Neelankarai Village, Sholinganallur Taluk, Chennai, within a period of 5 months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

21.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

The Tashildhar
Sholinganallur Taluk Office,
Sholinganallur Taluk,
Chennai District

P.T. ASHA. J.,



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