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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.17130 of 2025

Smt.A.Shanthy Raj ... Petitioner

Vs.

1.The District Collector,
Chengalpattu District,
Chengalpattu.

2.The District Revenue Officer,
O/o. The District Revenue Officer,
Chengalpattu District.

3.The Tahsildar,
Tambaram Taluk,
Chengalpattu District.

4.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tambaram & Taluk,
Chengalpattu District.

5.B.Surender Kumar ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents, particularly the 2nd respondent to complete the pending enquiry vide Ref. Na.Ka.No.12362/2023/B4 dated 29.12.2023 for the petitioner's property, situated at No.173 Selaiyur Village, Tambaram Taluk, Chengalpattu

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District (previously Saidapet Taluk and Chengai M.G.R. District), Patta No.1185, comprised in R.S.No.290/1B3, to an extent of 0.05 cents (2244 sq.ft.) on the basis of the petitioner's representation dated 07.03.2025.

For Petitioner(s) : Mr.R.Thanjan (VC)

For Respondent(s) : Mr.P.Sathish for R1 to R4
Additional Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to 5th respondent is dispensed with.

2.The present writ petition is filed praying for a writ of mandamus to direct the 2nd respondent to complete the pending enquiry vide Ref. Na.Ka.No.12362/2023/B4 dated 29.12.2023 relating to the petitioner's property situated at No.173 Selaiyur Village, Tambaram Taluk, Chengalpattu District, in respect of Patta No.1185, comprised in R.S.No.290/1B3, to an extent of 0.05 cents (2244 sq.ft.) on the basis of the petitioner's representation dated 07.03.2025.

3.It is submitted that the petitioner's husband viz., Mr.M.Anand Raj Swamy purchased the aforesaid property from Mr.C.Ramadass vide Sale

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Deed dated 07.07.1993, registered as Document No.3180/1993 before the SRO, Tambaram. Subsequently, the said Anand Raj Swamy settled the property in petitioner's favour vide Settlement Deed dated 12.04.2007, registered as Document No.3942/2007 before the SRO, Tambaram.

4.Learned counsel for the petitioner submitted that, while so, 5th respondent would claim that the very same property as his property by alleging that he purchased the subject property from one Smt.Balammal, by way of her Power Agent Smt.Vijayalakshmi on 04.03.2008, registered as Document No.1766/2008 before the SRO, Tambaram, property situated at No.173, Selaiyur Village, Srinivasa Nagar, Tambaram Taluk, Chengalpattu District, Plot No.21, comprised in S.Nos.290/1A, 1B and 289/1A and 1B measuring an extent of 233.69 sq.mtrs. i.e., 2407 sq.ft. It is submitted that the property owned by the petitioner and property claimed by the 5th respondent are entirely different. Even Patta No.2929 clearly shows that the subject property is 290/1B5, but not as claimed by 5th respondent herein.

5.It is further submitted by the learned counsel for the petitioner that, 5th respondent suppressed all the material facts and registered with Town Survey Land Register in his name on 31.01.2021 vide

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Ref.No.2021/35/05/00011550 and on the basis, Town Planning approval was obtained for Plot No.21, for which petitioner's husband gave a complaint to 4th respondent and also Town Planning Officer for cancellation of the above approval. After enquiry, 4th respondent cancelled the said approval on 11.08.2023, vide Ref.Na.Ka.No.1631/ 2023/A and against which an appeal was preferred by 5th respondent to the 2nd respondent vide Ref.Na.Ka.No.12362/2023/ B4 and sent a notice for enquiry initially on 24.01.2024 and 27.02.2025, but so far 2nd respondent has not completed the enquiry. It is further submitted that the petitioner is in possession and enjoyment of the subject property, and despite having submitted all the relevant documents, 2nd respondent is prolonging enquiry without any valid reasons.

6.At the outset, it is submitted by the learned Additional Government Pleader for respondents 1 to 4 that the enquiry is in progress and would request that 4 weeks time may be granted to complete the enquiry, which was agreed to by the learned counsel for petitioner.

7.In view of the same, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the 2nd respondent, to complete the

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subject enquiry on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner and 5th respondent and any other interested persons/stake holders, within a period of 4 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the concerned respondent to consider the representation on its own merits and in accordance with law.

8.Accordingly, the writ petition stands disposed of. No costs.

03.06.2025

Index : Yes/ No
Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
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MOHAMMED SHAFFIQ, J.

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