



W.P(MD)No.28902 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28902 of 2023

K.Rajendran

... Petitioner

Vs.

The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to issue patta for Survey No.449/1C in extent of 13080 Sq. ft in paiyur pillaivayal Group and village, Sivagangai Taluk, Sivagangai District, on the basis of the petitioners representation dated 10.12.2022 within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.V.S.Kumara Guru

For Respondent : Mr.M.Prakash,
Addl. Government Pleader.



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ORDER

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Heard both sides.

2. There is no dispute that the petition mentioned property stood in the name of Late. Kannappan Ambalam. The petitioner is one of his legal heirs. On 26.03.2015, his siblings executed release deed. Based on the same, the petitioner applied for issuance of patta in his name. The petitioner's request was rejected on the ground that there is typing mistake in one of the survey numbers and that unless the petitioner rectifies the same, his request cannot be accepted. That led to the filing of this writ petition.

3. When the matter was taken up for hearing, the learned Additional Government Pleader drew my attention to the mistake in the release deed. While the survey number in question has been mentioned as 499/1C, in words, it has been described as 449/1C. According to the petitioner, what has been described in words is correct and what was referred in number is wrong. In fact, there is internal evidence to show that that it



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should have been written as 449/1C. The petitioner is unable to obtain a rectification deed because two of the executant are said to be no more.

4. When there is discrepancy between what is written in words and number, what is written in words should be preferred. This is more so because there is material to show that what is written in words is correct. In this view of the matter, the respondent is directed to issue patta in favour of the petitioner in respect of petition mentioned lands. This shall be done by the respondent within a period of four weeks from the date of receipt of a copy of this order.

5. This writ petition is allowed on these terms. No costs.

07.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

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G.R.SWAMINATHAN, J.

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