

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10513 of 2016
and MP.No.9212 of 2016

Ettiyammal

... Petitioner

Vs.

- 1.The Revenue Divisional Officer
Tambaram Revenue Divisional Office
Tambaram, Chennai -45.
- 2.The Tahsildar Sozhinganallur
No3,Kumaran Nagar
near Chemmancherry Police Station Office
and Sholinganallur Signal,
Rajiv Gandhi Salai, Ist Street,
Sholinganallur, Chennai-119.
- 3.Village Administrative Officer
Panchayat Office, 3rd Main Road,
IIT Colony, Narayanapuram,
Pallikaranai, Chennai-100.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to direct the first respondent i.e., the Revenue Divisional Officer, Tambaram, to carry out the necessary correction in the FMB Sketch maintained by the respondents 2 and 3 in line with/accordance to the original records maintained by Aavana Kappagam, Egmore, Chennai for the survey No.338 of Pallikaranai Village.

For Petitioner : Mr.K.Chandrasekaran.
For Respondents : Mr.S.Pattabiraman, GA.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of mandamus to direct the first respondent/Revenue Divisional Officer, Tambaram, to carry out

the necessary correction in the FMB Sketch maintained by the respondents 2 and 3 in line with/accordance to the original records maintained by Aavana Kappagam, Egmore, Chennai for the survey No.338 of Pallikaranai Village.

3.The petitioner purchased an extent of 1200sq.ft property bearing No.24-B by way of sale deed dated 19.06.2015 in Document No.2535 of 1995 in the office of the Sub Registrar, Joint-I, South Chennai, the petitioner was in possession and enjoyment of the same by constructing house and residing therein with her family. The revenue authorities had also issued patta, chitta and adangal in her favour and she is paying all necessary taxes for the land and building.

4.During 2010, the third parties allegedly claims that they purchased the land and started to measure the property and in the year 2011 also the very same parties claims the property owned by the petitioner and filed false complaint, the same was defended by the petitioner by producing all the documents before the police authorities. Thereafter, one Padma filed a suit against the petitioner during 2013, claiming that patta was issued in her favour and produced the Field Measurement Book (FMB) Sketch for survey No.338 of Pallikaranai Village. On verification of FMB Sketch to the shock and surprise the FMB Sketch produced by the third party was entirely different from the original one. The petitioner's son approached the third respondent and requested to correct the FMB Sketch based on which patta was issued to the said Padma, but no response on the side of third respondent to correct the mistake committed in the FMB Sketch. Challenging the issuance of Patta appeal is pending on the file of the District Revenue Officer, Kancheepuram.

5.The petitioner obtained FMB Sketch for Survey No.338 Pallikaranai Village from Tamil Nadu Aavana Kappagam, Egmore, Chennai-8 through Right to Information Act and obtained the very same document from the second respondent/Tahsildar, Sozhinganallur through Right to Information Act. The document issued by the second respondent was wrongly marked, contrary to the original document, the respondents committed the mistake in FMB sketch of the Survey No.338 of Pallikaranai Village showing entirely different area/location of the petitioner's property.

6.The petitioner submitted a representation dated 04.06.2014 to the first respondent to correct the FMB sketch maintained by the respondents 2 and 3 in accordance to the original records maintained by Aavana Kappagam, Egmore, Chennai in Survey No.338 of Pallikaranai Village, the same was received by the first respondent on 16.06.2014 and assigned proceedings in Na.Ka.1555/2014 and issued notice on 25.09.2014, calling for enquiry with the relevant documents. The petitioner's son appeared in person and produced all the documents including the

FMB sketch obtained from Aavana Kappagam, Egmore, Chennai and the documents maintained by the respondents 2 & 3 and explained the difference in both the FMB Sketches. Despite conducting enquiry, the first respondent has not taken any action to direct the respondents 2 and 3 to correct the mistake committed by them in their records. On enquiry, it is stated in the office of the first respondent that they are awaiting report from the second respondent for passing orders on the representation of the petitioner dated 04.06.2014. Hence, the petitioner filed the present writ petition.

7. Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondents.

8. Considering the facts and circumstances and without going into the merits of the same, this Court directs the first respondent to consider the representation of the petitioner dated 04.06.2014, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

9. The writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.
tsh

s/d-

Assistant Registrar (Admn-I)

True Copy

Sub-Assistant Registrar

To

1. The Revenue Divisional Officer
Tambaram Revenue Divisional Office
Tambaram, Chennai - 45.
2. The Tahsildar Sozhinganallur
No 3, Kumaran Nagar
near Chemmancherry Police Station Office
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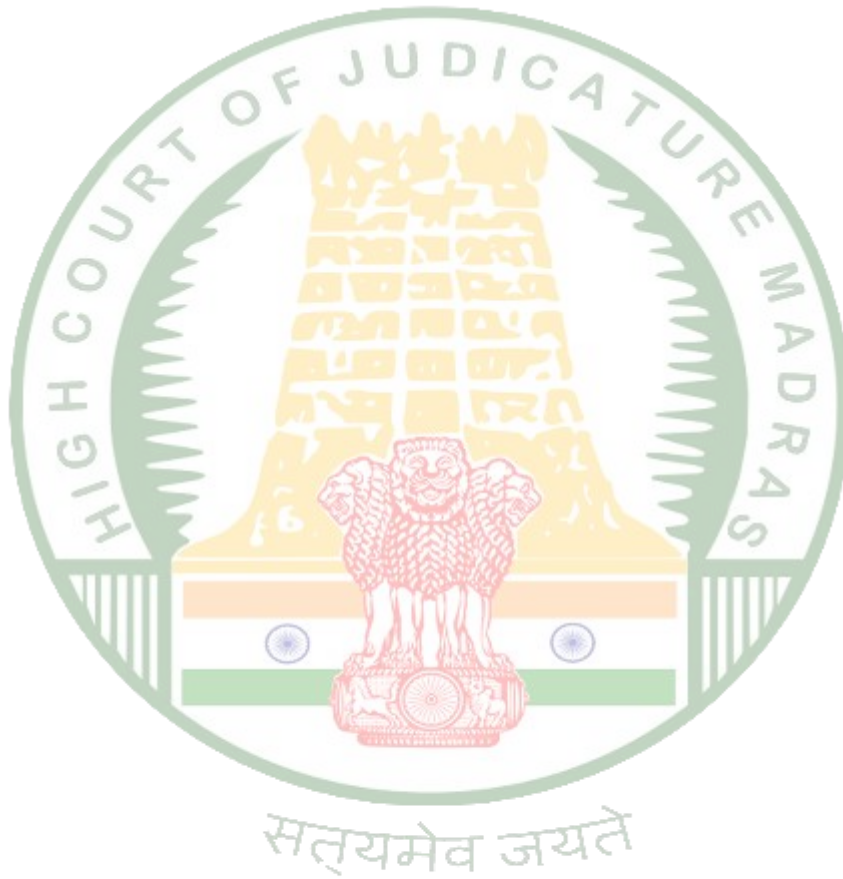
3.Village Administrative Officer
Panchayat Office, 3rd Main Road,
IIT Colony, Narayanapuram,
Pallikaranai, Chennai-100.

+ 1 cc to Mr.KChandrasekaran, Advocate, SR 18039

+ 1 cc to Govt.Pleader, High Court, Madras SR 18060

bvr(co)
prk7/4

W.P.No.10513 of 2016



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