IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

Writ Petition No. 37891 of 2016

D. Radhakrishnan .. Petitioner

Versus

1. The District Collector
Office of the District Collectorate
Kancheepuram District

2. The Revenue Divisional Officer
having office at Kadaperi
Tambaram, Chennai - 600 045

3. The Tahsildar
having office at Kadaperi
Tambaram, Chennai - 600 045 .. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to cancel the name of Soundaram which was recorded erroneously in the patta in respect of the land measuring an extent of 2420 square feet in Survey No. 310/2 bearing Plot No.137-A in Perungalathur Village, Tambaram Taluk and Division, Kancheepuram District and to issue patta in the name of the petitioner in respect of the above said land on the basis of the report dated 15.04.2015 submitted by the Revenue Inspector, Tambaram Firka and Taluk, Kancheepuram District, within a specified time limit that may be fixed by this Court.

For Petitioner : Mr. B. Gurumurthy
For Respondents : Mr. A.N. Thambidurai
Special Government Pleader

ORDER

The petitioner seeks for issuing a Writ of Mandamus to direct the respondents to cancel the name of Mrs. Soundaram which was recorded erroneously in the patta in respect of the land measuring an extent of 2420 square feet in Survey No. 316/2 bearing Plot No.137-A in Perungalathur Village, Tambaram Taluk and Division, Kancheepuram District and to issue patta in the name of the petitioner in respect of the above said land on the basis of the report dated 16.04.2015 submitted by the Revenue Inspector, Tambaram Firka and Taluk, Kancheepuram District, within a specified time limit that may be fixed by this Court.

2. According to the petitioner, the land in question namely vacant land measuring 2420 square feet in Survey No. 310/2 bearing Plot No. 137-A in Perungalathur Village originally belonged to one B.S. Saroja from whom the land was purchased by one Thulukkanam by a registered sale deed dated 21.09.1979 registered as document No. 3977 of 1979 on the file of Sub-Registrar, Tambaram. The said Thulukkanam died and his legal heirs have sold the land by a registered sale deed dated 21.02.2012 to the petitioner herein registered as document No. 1077 of 2012 on the file of Sub-Registrar, Tambaram. Upon purchase, the petitioner obtained building planning permission, electricity service connection in his name and also got assessment of the building in his name. However, as regards patta, on enquiry, he came to know that the patta in respect of the land stands in the name of one Mrs. Soundaram bearing Patta No.701. According to the petitioner, it was a mistake or error crept in the revenue records in indicating the name of Mrs. Soundaram who has nothing to do with the land in question. Therefore, the petitioner sent representation to the respondent to delete the name of Mrs. Soundaram from the patta maintained by the revenue department in respect of the land in quesiton and to incorporate his name therein. In response, the second respondent by his proceedings dated 31.07.2014 forwarded the representation to the third respondent for conducting an enquiry and to submit a report. The third respondent in turn forwarded the representation to the Revenue Inspector to conduct an enquiry, record the statement of witnesses and to submit a report. Accordingly, a report dated 02.01.2015 was submitted by the Revenue Inspector stating that the land never belonged to Mrs. Soundaram and it was a mistake that her name was incorporated in the patta. The report dated 02.01.2015 of the Revenue Inspector was not accepted by the second respondent on the ground that the Villagers in the locality were not examined. Therefore, by proceedings dated Nil.12.2015, the Revenue Inspector was once again directed to conduct an enquiry. Accordingly, a detailed enquiry was conducted and a report dated 15.04.2015 was submitted to the second respondent. In the report, it was once again reiterated that there is no objection from any one for changing the name of Soundaram that exist in the patta and there is no one called Soundaram residing or available in the locality. Inspite of the same, the respondents has not passed any order till date to change the name of Mrs. Soundaram appearing in the patta in respect of the land in question, hence, this writ petition.

3. The learned counsel appearing for the petitioner submits that a detailed enquiry was conducted by the Revenue Inspector and after such enquiry, a report was submitted stating that there was no objection received by any one for deleting the name of Mrs. Soundaram appearing in the patta in respect of the land in question or there is no one by name Soundaram residing in the locality. Therefore, according to the learned counsel for the petitioner, there is no bar for the respondents to delete the name of Mrs. Soundaram appearing in the patta and to issue in favour of the petiitoner especially when the petitioner has purchased the land in question by means of a registered sale deed.

4. On the above contention, this Court heard the submissions of the learned Special Government Pleader appearing for the respondents.

5. It is seen from the records that in response to the representation submitted by the petitioner, the Revenue Inspector attached to the office of the third respondent has conducted enquiry in the locality twice and submitted his reports. In btoh the reports, he has clearly stated that the name of Mrs. Soundaram has been incorporated in the patta in respect of the land in question by mistake and her name has to be deleted. He has also submitted in his report that there is no one residing in the locality by name Mrs. Soundaram or there was no objection from any one to delete the name of Mrs. Soundaram in the Patta. The grievance of the petitioner is that inspite of such reports, the respondents have not so far passed any orders for deleting the name of Mrs. Soundaram and to issue patta in his name.

6. Having regard to the above facts and circumstances of the case, the writ petition is disposed of with a direction to the third respondent to consider the claim of the petitioner on the basis of the report dated 15.04.2015 of the Revenue Inspector, Tambaram and to pass appropriate orders thereof on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CO)

//True Copy//

Sub-Assistant Registrar

To
1. The District Collector,
   O/O The District Collectorate, Kancheepuram District.
2. The Revenue Divisional Officer,
   Having Office at Kadaperi
   Tambaram, Chennai-45
3. The Tahsildar,
   O/O at Kadaperi,
   Tambaram, Chennai-45.
4. The Revenue Inspector,
   Tambaram Firka & Taluk
   Kancheepuram District.

+1 CC to Govt. Pleader, High Court, Madras sr 70124

WP.No. 37891 of 2016

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