

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7447 of 2016

K.Kandasamy

... Petitioner

Vs.

1.The District Collector
District Collector Office
Namakkal,
Namakkal District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruchengodu,
Namakkal District.

3.The District Revenue Officer
District Revenue Office,
Namakkal, Namakkal District.

4.The Tahsildar
Tahsildar Office,
Thiruchengode
Namakkal District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to rectify the patta Nos.531 and 51 as per the petitioner's representation dated 21.07.2015 within a stipulated time.

For Petitioner : Mr.S.Arjun
for M/s.S.Gunalan.

For respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

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 respondents to rectify the patta Nos.531 and 51 as per the petitioner representation dated 21.07.2015.

3.The petitioner purchased the property in SF.No.20/1B old SF.No.20/1 measuring 29cents vide sale deed dated 19.01.1963 in Document No.101/1963 before the Sub Registrar, Mallasamuthiram.

4.The petitioner submits that the property in SF.No.20/4A originally belongs to petitioner's grandfather Porappa Gounder, he got three sons viz., 1)Marappa Gounder 2) Ettiappa Gounder and 3)Komarappa Gounder/petitioner's father. After the death of Porappa Gounder, his legal heirs partitioned the property on 06.04.1933 vide document No.913/1933 before the Sub Registrar, Mallasamuthiram, in the said partition "C" Schedule was allotted to the petitioner's father/Komarappa Gounder to an extent of 9 cents.

5.The petitioner further states that the petitioner's father purchased the property measuring 99cents in S.No.21/5 vide document No.764 of 1959 dated 19.03.1959 and adjacent land in SF.No.20/3 a well. Thereafter, purchased a land in SF.No.21/5 measuring 0.35cents in document No.1756 of 1963 on the file of Sub Registrar, Mallasamuthiram. Thus the petitioner's father purchased (totally 137 cents i.e., 99 + 3 + 0.35) in SF.No.21/5.

6.After the demise of petitioner's father, the petitioner maintained the entire property belong to him and his father. The petitioner approached the 4th respondent for issuance of patta, the 4th respondent has also issued patta in his favour in SF.Nos.20/1B, 20/4A, 20/4C, 20/9B in patta No.531. The patta was issued in S.F.No.20/1B only for 19cents instead of 29cents, the property in SF.No.20/4A was issued only for 5 cents instead of 9 cents and the well in SF.No.20/3 was wrongly included in SF.No.21/5, the patta issued for well is not correct. The property in SF.No.20/9E, 21/5B & 21/6A are purchased by the petitioner in his name, under registered sale deeds, but patta was issued in the name of petitioner, his wife and his two sons as a joint patta in patta No.51.

7.The petitioner sent a representation to the respondents on 21.07.2015 to rectify the correction in patta Nos.531 and 51

issued by the fourth respondent. The first respondent sent a communication in Ref.No.O.Mu.19373/2015/01, dated 25.09.2015 to the second respondent to take appropriate action. The second respondent has not taken any action to rectify the same. Again the first respondent sent a communication Ref.No.O.Mu.18694 of 2015/01, dated 08.10.2015 to the second respondent and fourth respondent and marked a copy to the petitioner. Then also the respondents has not taken any steps to rectify the mistakes crept in patta Nos.531 and 51. Hence, the petitioner filed the present writ petition.

8.Heard the submissions of learned counsel appearing for the petitioner and the learned Special Government Pleader who accepts notice on behalf of the respondents.

9.Considering the facts and circumstances, the fourth respondent is directed to consider the petitioner's representation dated 21.07.2015 and the communications of the first respondent in Ref.No.O.Mu.19373/2015/01, dated 25.09.2015 and Ref.No.O.Mu.18694 of 2015/01, dated 08.10.2015, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

10.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The District Collector
District Collector Office
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Namakkal District.

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Revenue Divisional Office,
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3.The District Revenue Officer
District Revenue Office,
Namakkal, Namakkal District.

4.The Tahsildar
Tahsildar Office,
Thiruchengode
Namakkal District.

+lcc to Mr.S.Gunalan, Advocate, S.R.No.13124
+lcc to the Government Pleader, S.R.No.13209

W.P.No.7447 of 2016

SKV(CO)
CA(16/03/2016)



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