

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16682 of 2018

S.M.Mary

.. Petitioner

Vs.

1.The Tahsildar,
Pallikaranai Village,
Sozhinganallur,
Kancheepuram District.

2.K.K.Swamidass

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 1st respondent to consider the representation dated 20.03.2018 and for immediate action and issue patta to the petitioner with correct Survey No.326/1E3B in lieu of 326/112A by making necessary corrections in the records.

For Petitioner : Mr.T.K.S.Gandhi

For Respondents : Mr.S.N.Parthasarathi,
Government Advocate (R1)

O R D E R

The petitioner claims to have purchased the land measuring 1224 sq.ft. with built up area of 560 sq.ft. comprised in Survey No.326/1E3B, Pallikaranai Village by a Sale Deed registered as Document No.6582 of 2004 dated 01.10.2004 on the file of the Sub Registrar, Saidapet, South Chennai from P.M.Joseph and S.Metti. The learned counsel for the petitioner submitted that the petitioner's vendors had purchased the said property from K.P.Abraham by a Sale Deed registered as Document No.3266 of 2003 dated 16.07.2003.

2.Drawing the notice of this Court to the Schedule of property shown in both the Sale Deeds mentioned above that land in Survey No.326/1E3B has been purchased by the petitioner. The patta has been issued in favour of the K.P.Abraham, the vendor of the petitioner's vendors in respect of Survey No.326/1E3B. As the petitioner's vendors sold the property within a short time, they did not get the patta transferred in their name from their vendor K.P.Abraham. After the purchase, when the petitioner approached for transfer of patta, instead of mentioning the

correct Survey No.326/1E3B, it has been wrongly mentioned as Survey No.326/112A. As the petitioner is not the owner of Survey No.326/112A, wrongly issued in the name of the petitioner, she had approached the Tahsildar with a representation and also with the 2 Sale Deeds and the original patta in the name of K.P.Abraham. But till date no action has been taken.

3.The Government Advocate appearing for the 1st respondent submitted that a direction be issued to the 1st respondent to consider the case of the petitioner and the petitioner may also be directed to produce the original parent document for the property in question, the Sale Deeds dated 01.10.2004 and 16.07.2003 and also the patta issued in favour of K.P.Abraham.

4.In view of the above submission, the Writ Petition is disposed of with a direction to the petitioner to produce the original parent document for the property in question, the Sale Deed registered as Document No.6582 of 2004 dated 01.10.2004 for the purchase made by the petitioner from P.M.Joseph and S.Metti and the Sale Deed registered as Document No.3266 of 2003 dated 16.07.2003 for the purchase made by the petitioner's vendors from K.P.Abraham and also the patta issued in favour of K.P.Abraham. On receipt of the same, the 1st respondent shall consider the case of the petitioner and correct the wrong Survey No.326/112A as Survey No.326/1E3B. After carrying out the corrections, fresh patta in the name of the petitioner shall be given within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

va
To

1.The Tahsildar,
Pallikaranai Village,
Sozhinganallur,
Kancheepuram District.

+1cc to Mr.TKS. GANDHI, Advocate, S.R.No.43749
+1cc to the Government Pleader, S.R.No.44542

W.P.No.16682 of 2018

TR(18/07/2018)