

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.24267 of 2016

S.Sivanandam

.. Petitioner

Vs.

1.The State of Tamil Nadu,
rep.by the Secretary, Revenue Department,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Chennai District,
Chennai.

3.The Revenue Divisional Officer(North)
Tondiarpet,
Chennai - 600 081.

4.The Tahsildar,
Purasawalkam Taluk,
Raja Annamalai Salai, Periamet,
Chennai - 3.

5.S.Gnaneswaran

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent dated 14.06.2016 in L. Dis. (TR) / 1371/2015, quash the same and direct the 4th respondent to issue patta to the petitioner on actual measurement for his property in Door No.94 (old 128) on measuring Door Nos.94 and 96, Perambur Barracks Road, Chennai - 600 007.

For Petitioner : M/s.Hemasampath, Senior Counsel
for M/s.R.Meenal

For Respondents : Mr.D.Raghu, GA for R1 to R4
M/s.Sudharashana Sundar for R5

O R D E R

The relief sought for in this writ petition is to call for the records in relation to the order passed by the Tahsildar, Perambur Barracks Road, in proceedings dated 14.06.2016 and quash the same and to direct the Tahsildar to grant patta in respect of the property belongs to the writ petitioner.

2.The learned Senior Counsel appearing on behalf of the writ petitioner states that the petitioner is the lawful owner of the property situated at New No.94, Old No.128, Perambur Barracks Road, Vepery, Chennai - 600 007. In respect of the property belongs to the writ petitioner, he submitted an application for grant of patta. The Tahsildar / 4th respondent had rejected the claim of the writ petitioner on the ground that there is a discrepancy in respect of the property belongs to the writ petitioner. It is stated in the impugned order that the office of the Tahsildar can grant patta for the extent available in the document and as per the actual extent available and therefore, he cannot grant patta in respect of the excess land, which is under occupation of the writ petitioner.

3.The learned Senior Counsel further states that there is no excess land is under occupation of the writ petitioner and the prayer itself is to grant patta in respect of the land belongs to the petitioner as per the document and as per the actual measurement. This being the request made before this Court, the 4th respondent is directed to measure the property belongs to the writ petitioner and grant patta in respect of the actual extent of land in possession and as per the documents produced by the writ petitioner in this regard. Such an exercise shall be done by the 4th respondent within a period of twelve weeks from the date of receipt of a copy of this order.

4.The writ petition stands disposed of with the above direction. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary, Revenue Department,
The State of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Chennai District,
Chennai.

3.The Revenue Divisional Officer(North)
Tondiarpet,
Chennai - 600 081.

4.The Tahsildar,
Purasawalkam Taluk,
Raja Annamalai Salai, Periamet,
Chennai - 3.

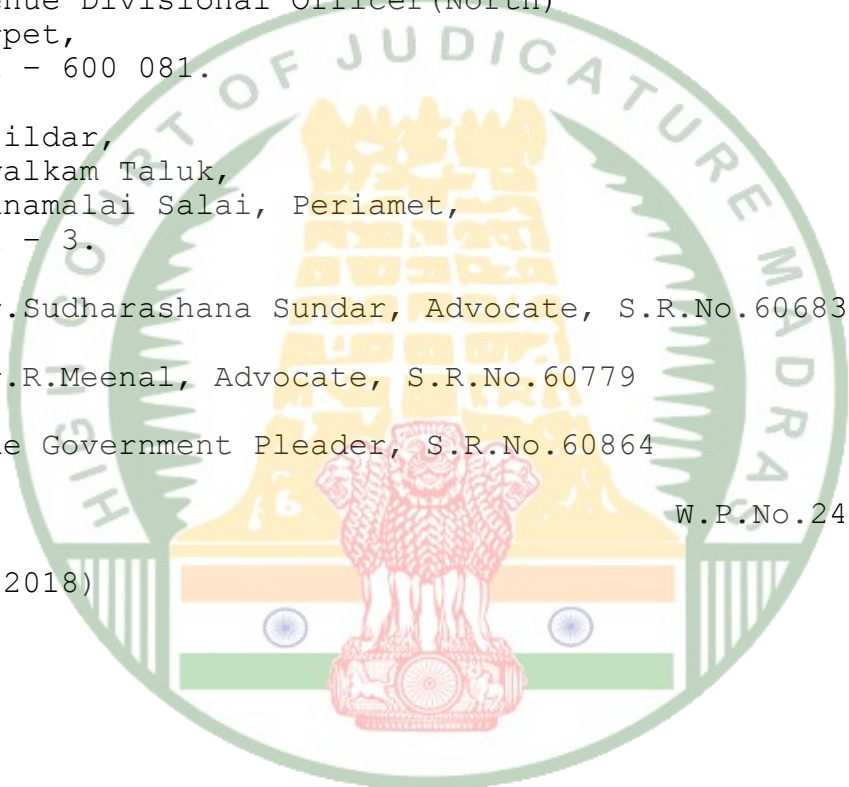
+1cc to Mr.Sudharashana Sundar, Advocate, S.R.No.60683

+1cc to Mr.R.Meenal, Advocate, S.R.No.60779

+1cc to the Government Pleader, S.R.No.60864

W.P.No.24267 of 2016

GSP(18/09/2018)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central golden temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. The entire emblem is set against a background of a green and white striped border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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