

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.1766 of 2018

1.R.Navaneedham

2.C.Ravichandra Babu

..

Petitioners

-VS-

1.The District Collector,
Office of District Collector,
Kancheepuram District.

2.District Revenue Officer,
Office of District Revenue Officer,
Chengalpet Taluk,
Kancheepuram District.

3.The Thasildar,
Office of Thasildar,
Chengalpet Taluk,
Chengalpet.

4.The Village Administrative Officer,
Office of Village Administration Office,
Aappur Village, Chengalpet Taluk,
Kancheepuram District.

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the record and the impugned order dated 27.10.2017 passed in Na.Ka.No.1262/2016/B1 by the third respondent and directing the respondents to consider his representation dated 31.03.2016 in correcting the survey No.105/5 as 102/2 in the Adangal register No.60.

For Petitioners :: Mr.K.Mukund Rao

For Respondents :: Mr.D.Surya Narayanan,
Additional Government Pleader

ORDER

The petitioners have filed this writ petition challenging the impugned order dated 27.10.2017 made in Na.Ka.No.1262/2016/B1 passed by the third respondent and directing the respondents to consider their representation dated 31.03.2016 in correcting the survey No.105/5 as 102/2 in the Adangal register No.60.

2.The case of the petitioners is that they are claiming to be the absolute owners of the property bearing Old Survey No.39B/1Part, New Survey No.102/5. Out of love and affection, the second petitioner, who is the husband of the first petitioner, has settled the schedule property in favour of the first petitioner vide document No.1526/2009 dated 30.03.2009 registered on the file of the Joint Sub Registrar, Chengalpet. Though the second petitioner has settled the above said property in favour of the first petitioner, all the revenue records stand in the name of the second petitioner as they did not make any mutation in the revenue records. According to them, in order to expand the road from Singaperumal Koil to Sriperumbathur, the National Highways Department encroached a portion of the schedule property and informed them to produce the document pertaining to the schedule property for obtaining compensation for the encroached portion. When they produced the documents and revenue records for obtaining compensation, the highways department intimated them that the Survey Number in the Adangal has been wrongly mentioned. After knowing that there is a typographical error in the Adangal, the second petitioner approached the third respondent with a representation dated 31.03.2016 to correct the entry made in the Adangal. Instead of directing the second petitioner to hand over all the documents available with him, the third respondent had passed the above impugned order by rejecting the petitioners' representation without conducting any enquiry. Hence, they are before this Court seeking the above prayer.

3.When the respondents themselves had issued the patta, chitta and adangal in favour of the petitioners after thorough scrutiny with regard to possession of the schedule property, rejecting the representation for mere correction in the survey number in the Adangal is not proper. Therefore, this Court is inclined to set aside the impugned order and the same is set aside. Accordingly, the petitioners are directed to produce a copy of the original patta, adangal and settlement deed within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the Tahsildar, third respondent shall re-consider the case of the petitioners and pass

appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. This writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vga

To

1.The District Collector,
Office of District Collector,
Kancheepuram District.

2.District Revenue Officer,
Office of District Revenue Officer,
Chengalpet Taluk,
Kancheepuram District.

3.The Thasildar,
Office of Thasildar,
Chengalpet Taluk,
Chengalpet.

4.The Village Administrative Officer,
Office of Village Administration Office,
Aappur Village, Chengalpet Taluk,
Kancheepuram District.

+1cc to Mr.K.Mukund Rao, Advocate sr.no.39644

सत्यमेव जयते

W.P. No.1766 of 2018

ss(co)
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