

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.7334 of 2019

A.Anjalam

...Petitioner

Vs.

1.The District Collector
Collectorate
Salem District.

2.The District Revenue Officer
Collectorate
Salem District.

3.The Revenue Divisional Officer
Attur Taluk
Salem District.

4.The Tahsildar
Pethanaickenpalayam Taluk
Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the fourth respondent herein to consider the petitioner's representation dated 03.12.2018 and reminder representation dated 07.02.2019 and correct and rectify the mistake in Natham Patta bearing Patta No.40, bearing Old S.No.38 and New S.No.212/25 admeasure 840 sq.feet, which is situated in Chinnamasamuthiram, Pethanaickenpalayam Post & Taluk, Salem District belongs to the petitioner.

For Petitioner : Mr.A.Rajakumar

For Respondents: Mr.E.Balamurugan
Special Government Pleader

O R D E R

Mr.E.Balamurugan, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the fourth respondent to consider her representation dated 03.12.2018, wherein and whereby, she sought for rectification of the mistake said to have committed in Natham Patta bearing No.40, Old S.No.38 and New S.No.212/25 admeasuring 840 sq.feet, situated in Chinnamasamuthiram, Pethanaickenpalayam Post & Taluk, Salem District.

3. It is stated that the petitioner's mother is the absolute owner of the property bearing Old S.No.38 and New S.No.212/25 admeasuring 840 sq.feet, situated in Chinnamasamuthiram, Pethanaickenpalayam Post & Taluk, Salem District. It is further stated that the petitioner's mother executed a registered Will dated 13.09.1993 in favour of the petitioner and she died on 17.04.1998. After death of the petitioner's mother, the petitioner is in possession and enjoyment of the above said property. Thereafter, the petitioner approached the respondents 3 & 4 seeking for issuance of patta, based on the registered Will dated 13.09.1993 and the respondents have issued Patta No.40 in favour of the petitioner in respect of the above said property. The grievance of the petitioner is that wrong measurement was mentioned in Patta No.40 as 72 sq.mt (775 sq.ft) instead of 78 sq.mt (840 sq.ft). Hence, the petitioner made a representation dated 03.12.2018, followed by a reminder dated 07.02.2019, seeking for rectification of the mistake crept in the Revenue records. However, the said representations have not been considered by the respondents so far. Hence, the present writ petition.

4. Heard both sides.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it is for the fourth respondent to consider and decide the same on merits and in accordance with law. Accordingly, this writ petition is disposed of, only by directing the fourth respondent to consider the representations of the petitioner dated 03.12.2018 & 07.02.2019 and pass orders on the same on merits and in accordance with law, after hearing the petitioner and other interested parties, if any. Such exercise shall be done by the fourth respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector
Collectorate
Salem District.

2.The District Revenue Officer
Collectorate
Salem District.

3.The Revenue Divisional Officer
Attur Taluk
Salem District.

4.The Tahsildar
Pethanaikenpalayam Taluk
Salem District.

+1cc to the Government Pleader, S.R.No.26307

W.P.No.7334 of 2019

RRS (22/04/2019)