

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.4322 of 2016
and
W.M.P.No.3706 of 2016

1.Mahesh Kumar Sarda
2.Naresh Kumar Sarda
3.Umesh Kumar Sarda @ Umesh Sarda .. Petitioners

Vs.

1.The Assistant Director of Survey and Land Records,
Chennai Collectorate,
Chennai.
2.The Deputy Inspector of Survey,
Mambalam Taluk,
Chennai - 600 078.
3.The Tahsildar,
Mambalam Taluk,
Chennai - 600 078 .. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to rectify and re-classify an extent of 985 sq.ft. of land on the northern side of the Plot No.4A, which has been registered as Sarkar Poramboke and grant patta in the name of the petitioners for a total extent of 3784 sq.ft. in Survey No.208/2, Block No.43, Town Survey No.135 and 136 of Saligramam Village.

For Petitioners : Mr.R.Rajivgandhi

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to rectify and re-classify an extent of 985 sq.ft. of land on the northern side of the Plot No.4A, which has been registered as Sarkar Poramboke and grant patta in the name of the petitioners for a total extent of 3784 sq.ft. in Survey No.208/2, Block No.43, Town Survey No.135 and 136 of Saligramam Village.

2. The petitioners are joint owners of the property to an extent of 3784 sq.ft. in Survey No.208/2, Block No.43, Town Survey Nos.135 and 136, Saligramam Village, having purchased the same by a registered sale deed dated 15.04.2015. Thereafter, the petitioners applied for transfer of patta to the third respondent in respect of the whole extent of plot purchased by them and the third respondent granted patta on 22.06.2015. On receipt of the same, it was found that the patta has been granted by excluding an extent of 985 sq.ft. by treating it as a road which is linking Kamarajar Nagar 1st Street and 80 feet road. Out of the total extent available in the aforesaid Plot No.4A, the said portion lying on the northern side of the plot was added with Kamarajar Nagar 1st Street and registered as Sarkar Poramboke and was sub divided and assigned Town Survey Number as 136. In this regard, the petitioners made representations to the respondents requesting to rectify the mistake and grant patta to the petitioners even with respect to 985 sq.ft. The third respondent has addressed to the first respondent that a mistake had occurred during Town Survey and that the records prior to the Town Survey may be verified and the circumstances under which the portion linking Kamarajar 1st Street and 80 feet road was registered as road may be reported to the office of the third respondent to proceed further in the matter. Thereafter, there seems to be no progress. Hence, the mandamus is sought for.

3. Heard the learned counsel appearing on both sides.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioners' representations and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioners and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rsi

To

- 1.The Assistant Director of Survey and Land Records
Chennai Collectorate,
Chennai.
- 2.The Deputy Inspector of Survey,
Mambalam Taluk,
Chennai - 600 078.
- 3.The Tahsildar,
Mambalam Taluk,
Chennai - 600 078.

+1 cc to The Government Pleader, SR.No.19348

W.P.No.4322 of 2016
and W.M.P.No.3706 of 2016

MR(CO)
CSL/05.04.2019

सत्यमेव जयते

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