

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.10.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.25855 of 2018

R. Sethuraman

... Petitioner

v.

- 1.The Additional Chief Secretary,
Cum Commissioner Land Administration,
Ezhilagam, Chempauk,
Chennai - 600 005.
- 2.The District Collector,
Chennai District,
Chennai Collectorate,
Chennai - 600 001.
- 3.The District Revenue Officer,
Chennai District, Chennai Collectorate,
Chennai - 600 001.
- 4.The Tahsildar,
Purasawalkam Taluk
Chennai - 600 003.
- 5.The Additional Director of Surveyor,
O/o. The Department of Survey,
Chennai District, Chennai Collectorate,
Chennai - 600 001.
- 6.The Taluk Deputy Surveyor,
O/o. The Department of Survey,
Purasawalkam Taluk,
Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Certiorari Mandamus, calling for the records from the 3rd respondent and quash the impugned proceedings in Na.Ka.E1/4231/2017, dated 10.04.2018 of the 3rd respondent addressed to the 1st respondent as the same is unconstitutional, arbitrary, illegal and against settled principles of law and natural justice and further direct

respondents 2 to 4 to correct the extent as Hec.0.07.39.5 Sq. Meters (7958 Sq. Feet) in the petitioner's patta/PLR in TR.No./2018/ 0158/02/0001-14, dated 19.04.2018 and all other Revenue Records pertaining to the petitioner's property in R.S.No.109, Block No.5, Purasawalkam Village & Taluk, Chennai District bearing Old Door No.192, New Door No.38-40, Vellala Street, Purasawalkam, Chennai - 600 084.

For Petitioner: Mr. N. Anantha Rama Krishnan
For Respondents: Ms. A. Madhumathi,
Spl. Govt. Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent, to quash the impugned proceedings dated 10.04.2018 addressed to the 1st respondent and further direct the respondents 2 to 4 to correct the extent as 0.07.39.5 Hec. (7958 Sq. Feet) in the petitioner's patta/PLR dated 19.04.2018 in all other Revenue Records pertaining to the petitioner's property in R.S.No.109, Block No.5, Purasawalkam Village & Taluk, Chennai District bearing Old Door No.192, New Door No.38-40, Vellala Street, Purasawalkam, Chennai - 600 084.

2. The petitioner has challenged the order passed by the 3rd respondent 10.04.2018, who directed the 4th respondent to issue patta in respect of an extent a of 0.07.39.5 Sq. Meters corresponding 7733 sq. ft.

3. On a reading of the order passed by the 3rd respondent, it could be seen that expect in the concluding paragraph, the District Revenue Officer has stated that the petitioner is in possession and enjoyment of an extent of 0.07.07.5 sq.mts (7598 sq.mts) in Survey No.109.

4. Mr. N. Anantha Rama Krishnan, learned counsel appearing for the petitioner submitted that even in the survey plan annexed to the patta dated 23.4.2018, the extent of the land comes to 7958 sq.ft and not 7733 sq.ft. In the survey plan dated 23.4.2018, the measurements have been given as follows:-

- (i) 12.8 meters on the western side
- (ii) 11.9 meters on the eastern side
- (iii) 59.7 meters on the northern side
- (iv) 60 meters on the southern side.

If these measurements are calculated, the extent would come to 7958 sq.ft. When the 4th respondent had issued the survey plan corresponding to the claim made by the petitioner, the petitioner should have been issued patta in respect of an extent of 0.07.39.5 sq.mts., however, the 3rd respondent in his order

has erroneously found that the petitioner is entitled for the issuance of patta only in respect of 0.07.18.5 sq.mts.

5. In these circumstances, I am of the view that the petitioner is entitled to get patta in respect of an extent of 0.07.39.5 Sq. Meters (7958 Sq. Feet) in survey No.109. In such view of the matter, the order passed by the 3rd respondent is liable to be set aside. Accordingly, the same is set aside. The 4th respondent is directed to issue patta to the petitioner in respect of Survey No.109 for an extent of 0.07.39.5 Sq. Meters (7958 Sq. Feet) .

With these observations, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

- 1.The Additional Chief Secretary,
Cum Commissioner Land Administration,
Ezhilagam, Chempauk,
Chennai - 600 005.
- 2.The District Collector,
Chennai District,
Chennai Collectorate,
Chennai - 600 001.
- 3.The District Revenue Officer,
Chennai District, Chennai Collectorate,
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- 4.The Tahsildar,
Purasawalkam Taluk
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- 5.The Additional Director of Surveyor,
O/o. The Department of Survey,
Chennai District, Chennai Collectorate,
Chennai - 600 001.

6. The Taluk Deputy Surveyor,
O/o. The Department of Survey,
Purasawalkam Taluk,
Chennai - 600 003.

+1cc to The Government Pleader, sr no.34113

+1cc to Mr.N.R.Anantha rama krishnan, Advocate, sr no.34011

W.P.No.25855 of 2018

SSD (CO)

RMP (11/11/2020)



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