

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.283 of 2020

& WMP No.331 of 2020

Sinthamani

... Petitioner

Vs.

1.The Revenue Divisional Officer
Attur
Salem District.

2.The Tahsildar
Gangavalli Taluk
Salem District.

3.The Sub Registrar
Gangavalli
Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings in Na.Ka.No.1149/2019/A4 dated 12.07.2019 passed by the second respondent and quash the same and consequently to direct the second respondent to survey the land comprising in Survey No.40/1, and Survey No.39, altogether measuring 4.21 acre and sub-divided the same into Acre 1.57 cents and Acre 2.64 cents in Survey No.40/1 and Survey No.39 respectively as per the parent documents Vide Document No.2706/1967 dated 30.11.1967; Document No.292/1968 dated 11.02.1968 and Document No..... 22.02.1969 instead of acre 0.17 cents in Survey No.40/1 and acres 4.04 cents in Survey No.39, which was wrongly mentioned in Document No.1305/1988 dated 03.10.1988 on the file of the Sub Registrar Office, Gangavalli and thereby to issue separate patta in Survey No.40/1, measuring 1.57 cents and in Survey No.39 measuring 2.64 cents to the petitioner.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.T.M.Pappiah
Special Government Pleader for R3
Mr.S.N.Parthasarathi
Government Advocate [R1 & R2]

ORDER

The petitioner herein challenges the proceedings of the Tahsildar, the second respondent herein dated 12.07.2019. The petitioner has sought for a revenue sub division of the property comprised in S.No.40/1 and 39 of Pelur Village, Gangavalli Taluk, Salem District. She has filed W.P.No.171 of 2019 seeking a direction to the Tahsildar to dispose of her representation and this Court vide its order dated 28.01.2019 directed that the said representation be considered and disposed of.

2. Vide impugned proceedings of the Tahsildar, he refused to issue patta since he found discrepancies in the extent covered by the Sale Deed in favour of the petitioner while the actual extent is available.

3. During the pendency of this Petition, Mr.S.N.Parthisarathi, learned Government Advocate made a statement on instructions, that vide notice of the third respondent dated 12.08.2020, the Tahsildar had held an enquiry, wherein, the petitioner has appeared and given a statement on 19.08.2020 in which, she has categorically stated that she will be happy if patta is issued for the actual extent mentioned in her Sale Deed. She has also circulated a photocopy of the statement of the petitioner before the Tahsildar.

4. Subsequently, the patta has been issued to the petitioner by proceedings of the Tahsildar dated 24.08.2020.

5. The learned counsel for the petitioner has also concurred with the statement of the learned Government Advocate. Such statement is recorded.

6. Since the required remedy was already granted by the Tahsildar, this Court does not consider any need for adjudication and the petition is accordingly, disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dn

To

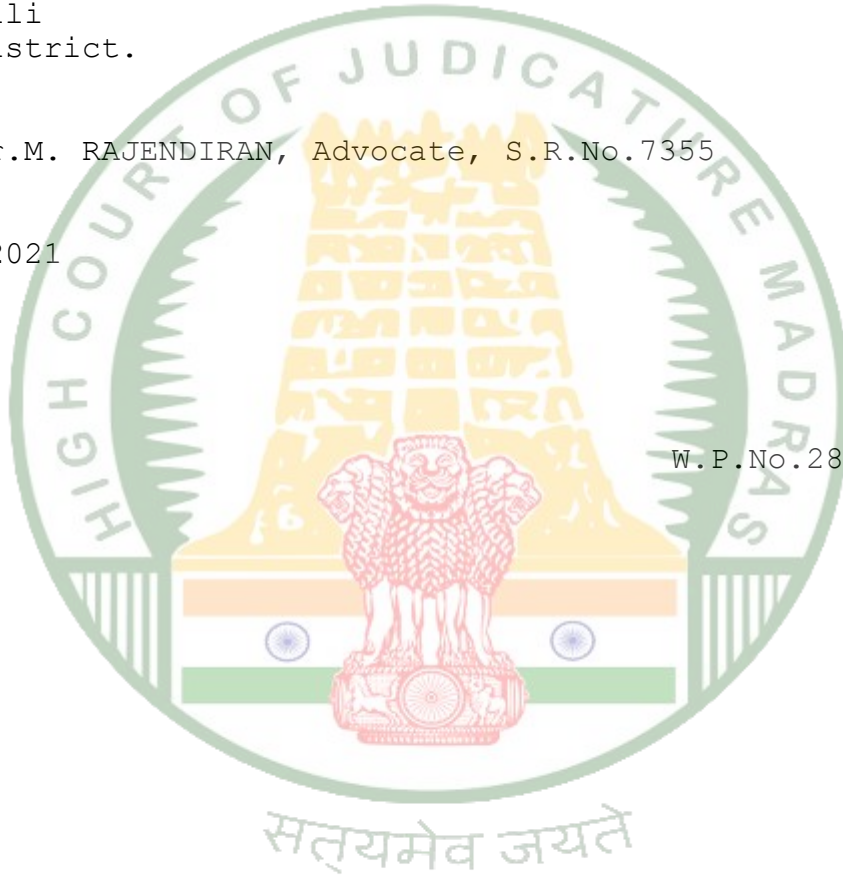
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2.The Tahsildar
Gangavalli Taluk
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3.The Sub Registrar
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Salem District.

+1cc to Mr.M. RAJENDIRAN, Advocate, S.R.No.7355

CP(CO)
SM/02/03/2021



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