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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.1682 of 2020

A. Arunkumar

... Petitioner

-Versus-

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Kancheepuram.
3. The Tahsildar,
Vandalur Taluk,
Vandalur.
4. The Assistant Engineer,
National Highways,
Jawaharlal Nehru Road,
Chennai-600 106.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 3rd respondent to modify Patta No. 232 issued vide R.P.No.2417/2013 dated 03/2013 based on the petitioner's representation dated 10.01.2020 to entire 2400 square feet of land owned by petitioner vide settlement deed registered as Document No.14465/2012 dated 17.12.2012, the Sub-Registrar, Guduvanchery.

For Petitioner : Mr.S.Angamuthu.

For R1-R3 : Mr.K.M.D.Muhilan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus directing the 3rd respondent to modify Patta No.232 issued vide R.P.No.2417/2013, dated 03/2013 based on the



petitioner's representation dated 10.01.2020 with regard to 2400 sqft., of land owned by the petitioner vide settlement deed registered as Document No.14465/2012 dated 17.12.2012, on the file of the Sub-Registrar, Guduvanchery.

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2. The case of the petitioner is that the petitioner's mother purchased the Patta land in the year 1993, measuring to an extent of 2400 sqft., comprised in New Survey No.217/12, Kilambakkam Village, Vandalur Taluk, Kancheepuram District, by way of a registered sale deed in Document No.1530 of 1993 on the file of SRO, Guduvanchery, dated 04.06.1993. Thereafter, the petitioner's mother has executed a registered settlement deed vide Document No.14465 of 2012 in favour of the petitioner dated 17.12.2012 on the file of Sub-Registrar Office, Guduvanchery. Pursuant to the same, he has mutated the Patta in his name vide Patta RP.No.2417/2013 by the Deputy Tahsildar, Chengalpattu and now the property is under the territorial administration of the 3rd respondent. Subsequently, he has obtained a building sanctioned plan for the construction of building before the Competent Authority and he was constructed a building thereon and running a hotel in the name and style of Nellai Hotel. While so, he came to know that there is a deviation between the Patta and the actual land by virtue of action taken by the 4th respondent herein. Subsequently, the third respondent/Tahsildar issued a patta only for 207 sqmtr., of the property, which is 2250 sqft., is only shown and in short fall of only 150 square feet. Therefore, the petitioner sent representations dated 04.01.2020 and 10.01.2020 to the 3rd respondent/Tahsildar for modifying the Patta, but the 3rd respondent has not taken any action on the petitioner's representation. Based on the said representations, the Village Administrative Officer, Urapakkam, Iyanchery, Kilambakkam, recommended to the 3rd respondent to modify the Patta regarding the extent of land after surveying the land and some deviation between the actual property and the patta will get over when the land surveyor measured the property and make suitable corrections in the revenue records. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the respondents submitted that in the recent document as well as in the previous documents in the year 1993 on the file of Sub Registrar Office, Guduvanchery, wherein, it is found that only as 207 square meter and the aforesaid error has not rectified and therefore, he made a representation after a long gap of years to rectify the Patta and issue modified Patta.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, the Writ Petition is disposed of, with a direction to the 3rd



respondent to consider the representations of the petitioner dated 04.01.2020 and 10.01.2020 and pass appropriate orders after measuring the said property and the concerned revenue records therein, in accordance with the law within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Kancheepuram.
3. The Tahsildar,
Vandalur Taluk,
Vandalur.
4. The Assistant Engineer,
National Highways,
Jawaharlal Nehru Road,
Chennai-600 106.

Copy to:

The Sub Registrar,
Guduvanchery.

+1cc to Mr.S.Angamuthu, Advocate, S.R.No.45131

+1cc to the Government Pleader, S.R.No.45886

W.P.No.1682 of 2020

NR(CO)
SU(06/10/2021)