IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.20209 of 2018

Archean Industries Pvt Ltd.,
a company incorporated under the
Companies Act, 1956, having its
registered office at No.2, North Crescent Road
T.Nagar, Chennai 600 017
rep.by Mr.R.Muralidharan,
Authorised Signatory. ... Petitioner

-Vs-

1. The State of Tamilnadu
Rep.by its Revenue Divisional Officer
Sriperumbudur, Kancheepuram District.

2.Devi Karumariamman Educational Trust
No.5, Chellammal Complex, Janaki Nagar
Arcot Road, Valasaravakkam, Chennai-600 007
R2-impleaded as per Court order dated 12.12.2018
in WMP No.30312/18. ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondent to consider and dispose of the representation dated 20.07.2017 within a time frame to be fixed by this Honourable Court.

For Petitioners :Mr.Deva Dakshan for Mr.T.Ravichandran

For Respondents :Mr.Richardson Wilson, Government Counsel
-for R1
No appearance - for R2

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondent to consider and dispose of the representation dated 20.07.2017 within a time frame to be fixed by this Court.

2. The case of the petitioner is that, the petitioner is the owner of the land to the extent of 52 Cents comprised in S.No.124/15C at Kancheepuram District, having purchased the same from one Mrs.Perundhevi Ammal vide registered Sale Deed dated 15.07.1999 bearing Document No.4056 of 1999 on the file of the Sub Registrar Office, Sriperumbudur.

3. When that being so, the adjacent land ie., S.No.124/15B seems to have been purchased by the second respondent Trust and after purchasing the same, the second respondent seems to have applied for issuance of patta for the said land. However, while issuing the patta, it seems that, mistakenly the patta has been issued in favour of the second respondent in respect of the property at S.No.124/15C instead of S.No.124/15B.

4. The petitioner came to know about this only later on and therefore, in order to rectify the same and to cancel the patta issued to the second respondent in respect of S.No.124/15C and to issue the patta in favour of the petitioner, the petitioner has given a representation on 20.07.2017 to the first respondent ie., District Revenue Officer, Sriperumbudur.

5. It is the further case of the petitioner that, after several reminders probably at the instance of the first respondent, the concerned Tahsildar, Sriperumbudur called the petitioner as well as the second respondent for an enquiry. Even though enquiry has been conducted, no final orders have been passed so far. Therefore, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

6. Mr.Deva Dakshan, learned counsel appearing on behalf of the petitioner, by reiterating the aforesaid acts, would also submit that, subsequently on 18.04.2018 a letter of the second respondent Trust addressed to its Bankers ie., Central Bank of India, Egmore, Chennai which has been filed in the typed set of papers, wherein the very second respondent itself has stated that though the second respondent purchased the property at S.No.124/15B, it has been wrongly mentioned as S.No.124/1C in the patta and therefore it has to be rectified.

7. By relying upon the same, the learned counsel for the petitioner submits that, it has become crystal clear that, it is a mistake committed by mentioning the survey numbers wrongly in the documents and therefore, the patta pertaining to the property in S.No.124/15C, which actually belongs to the petitioner can very well be rectified and the representation since has been given only to rectify the mistake, the same can very well be directed to be considered and needful may be directed to be undertaken within a time frame that may be stipulated by this Court.

8. I have heard Mr.Richardson Wilson, learned counsel appearing for the Government. He would fairly submit that, it is a mistake committed by the second respondent by wrongly entering the survey number, pursuant to which if patta is issued in respect of the property in S.No.124/15C, certainly based on which if enquiry has not so far completed, the same would be completed by hearing both the petitioner as well as the second respondent and an order to that effect shall be

passed by the first respondent within a time frame that may be stipulated by this Court.

9. I have considered the submissions made by both the learned counsel and also have perused the materials placed on record.

10. Since it is a mistake committed by the second respondent and by virtue of the same the Revenue Authorities have given patta in respect of the land pertaining to the petitioner in S.No.124/15C as stated above instead of S.No.124/15B, the same can very well be rectified, of course after having limited enquiry to that effect with the petitioner as well as the second respondent and an order to that effect can be passed on the representation of the petitioner dated 20.07.2017.

11. In that view of the matter, this writ petition is disposed of with the following directions. That there shall be a direction to the first respondent to consider the representation dated 20.07.2017 and after hearing the petitioner as well as the second respondent, on merits and in accordance with law especially in the context of the aforesaid controversy, which has been discussed herein, final orders shall be passed in that respect with regard to the issuance of patta to the correct survey number to the petitioner as well as the second respondent within a period of twelve weeks from the date of receipt of a copy of this order.

12. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KST

To

The Revenue Divisional Officer
Sriperumbudur, Kancheepuram District.

+1 cc to Government Pleader Sr.No. 28441

W.P.No.20209 of 2018

PMK(CO)
B.VC(23.07.2021)