

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 21.04.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.6665 of 2018

E.Chakravarthy

... Petitioner

Vs.

1.The District Collector,
Ariyalur District
Office of the District Collector of Ariyalur
Ariyalur - 621 704.

2.The Revenue Divisional Officer,
Udaiyarpalaiyam Taluk,
Ariyalur District, Pincode - 621 804.

3.G.Parthasarathy
4.G.Balaraman

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to pass appropriate orders on the representation dated 29.09.2016, which was acknowledged on 03.10.2016, bearing reference number 2016/17/1003/ RDO/12834 to cancel the patta which was wrongly issued and to issue a fresh patta in the name of the petitioner in accordance with the partition deed after correcting any issues relating to Updating Registry Scheme within a time frame.

For Petitioner : Mr.C.P.Hemkumar

For M/s.Ganesh and Ganesh

For Respondents 1 & 2 : Mr.J.Pothiraj

Special Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the second respondent to pass appropriate orders on the representation dated 29.09.2016, which was acknowledged on 03.10.2016, bearing reference number 2016/17/1003/ RDO/12834 to cancel the patta which was wrongly issued and to issue a fresh patta in the name of the petitioner in accordance with the partition deed after correcting any issues relating to Updating Registry Scheme within a time frame.

2. In respect of land at Old Survey No.128/1C, New Survey No.211/ 1B, Door No.4/101, Kavarai Street, Udayanattam West, Udaiyarpalaiyam Taluk, Ariyalur District, there was a joint patta issued in the name of third and fourth respondents leaving the petitioner who is having 1/3 share of the land covered under the joint patta.

3. In order to rectify the same and issue a separate patta for the share of 1/3 of the land in question, the petitioner already approached and made application to the Revenue Tahsildar concerned, who after having verified the same, seems to have instructed the petitioner to approach the Revenue Divisional Officer i.e. the second respondent to have a complete survey and measurement of not only the petitioner share but also the entire stretch of the land belongs to the petitioner which can be identified and accordingly after identifying the boundary, the needful can be done with regard to the grant of separate patta to the petitioner.

4. Pursuant to the same, the petitioner has given a representation on 29.09.2016 to the second respondent making the said request, however the said request or representation has not so far been considered by the official respondents especially the second respondent, hence, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

5. Heard Mr.C.P.Hemkumar, learned counsel appearing for the petitioner, who would submit that, in view of the aforestated facts, the petitioner is ready and willing to pay whatever the charges collected by the Revenue Department to conduct an enquiry as well as the measurement of the land to identify the petitioner's share of the land and after collecting the same, if the second respondent or his subordinates come forward to measure and identify the land so as to enable the Tahsildar concerned to issue a patta within a time frame that may be stipulated by this Court, the petitioner would be satisfied.

6. I have heard the learned Special Government Pleader appearing for the official respondents who would also submit that since there has been a joint patta in the name of third and fourth respondents where accordingly the petitioner's name is also involved, the complete measurement as suggested by the Tahsildar concerned has to be undertaken. If the petitioner has given a representation already to the respondents as claimed by him, certainly that would be considered and on that basis, after giving notice to both the petitioner as well as the respondents 3 and 4 in whose name, joint patta already there in the land in question, necessary measurement would be taken for the entire land and ultimately the land belongs to the petitioner would be

identified and accordingly consequential needful would be done for issuance of separate patta to the petitioner.

7.I have considered the rival submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

8.No doubt, there is a joint patta in the name of third and fourth respondents where according to the petitioner, his land also involved, therefore, certainly the petitioner is entitled to get a separate patta for his portion of his land.

9.In this regard, in order to identify the land of the petitioner, as claimed by him, certainly, a measurement has to be taken and for the said purpose, since the petitioner has already approached the respondent by giving a representation, the same can very well be considered by the second respondent and a measurement can be taken, of course by collecting the necessary fee by putting both the petitioner as well as the private respondents on notice, within a time frame.

10.Therefore, considering the aforesaid and by taking into account the factual matrix, this Court is inclined to dispose of this writ petition with the following orders.

(i) That there shall be a direction to the second respondent to consider the request of the petitioner dated 29.09.2016. While considering the same, the second respondent shall take endeavour to give suitable direction to the subordinates of him including the Revenue Tahsildar concerned as well as the Taluk Surveyor to measure the land in question as well as the neighbouring lands in this regard, in order to identify the extent of the land belongs to the petitioner with four boundaries and after identifying the same, the needful for grant of separate patta can be undertaken.

(ii) In this process, separate notices to be given to both the petitioner as well as the private respondents i.e. respondents 3 and 4 and in the presence of them, the necessary measurement can be taken. For the said purpose, whatever fee to be collected by the Revenue Department can very well be collected from the petitioner and after collecting the same, the needful as indicated above shall be undertaken by the second respondent or his subordinates and ultimately the final order shall be passed within a period of three months from the date of receipt of a copy of this order.

11.With these directions, this Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

Sgl

To

1.The District Collector,
Ariyalur District
Office of the District Collector of Ariyalur
Ariyalur - 621 704.

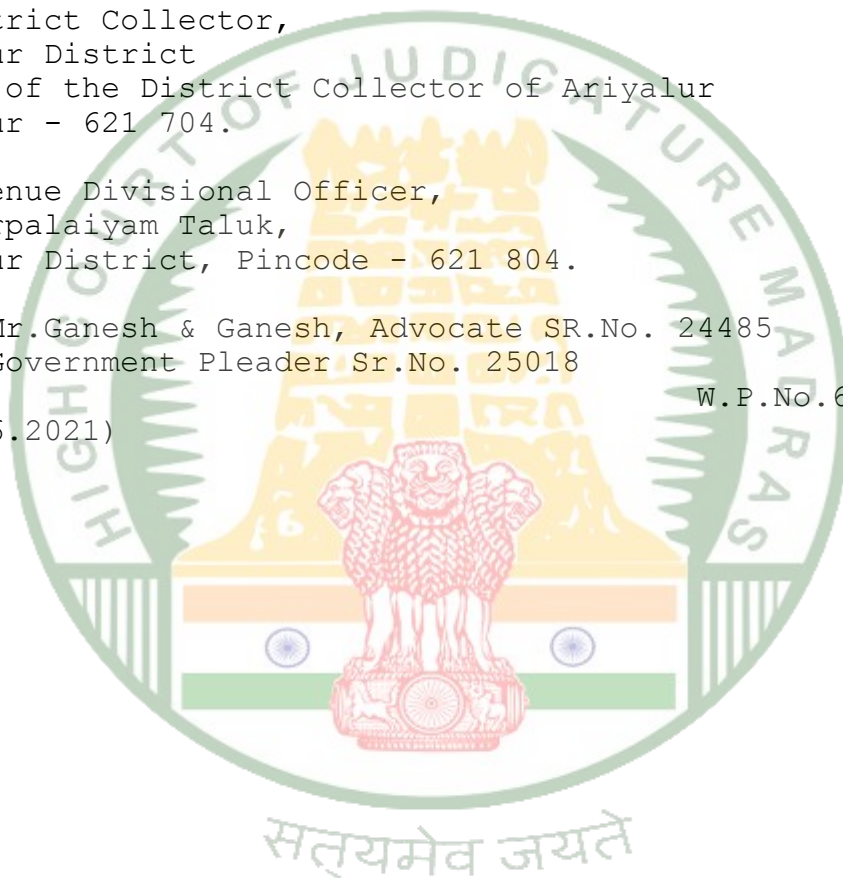
2.The Revenue Divisional Officer,
Udaiyarpalaiyam Taluk,
Ariyalur District, Pincode - 621 804.

+2ccs to Mr.Ganesh & Ganesh, Advocate SR.No. 24485

+1 cc to Government Pleader Sr.No. 25018

W.P.No.6665 of 2018

A.SK(09.06.2021)



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