



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No. 14682 of 2021

and

WMP.Nos. 15582 and 15583 of 2021

1.Poornima Kuthethur,  
2.Shri Vasudeva Das Kuthethur

..Petitioners

Vs

1.The Government of Tamil Nadu,  
Rep. By its Principal Secretary,  
Department of Land Revenue,  
Secretariat, Fort St.George,  
Chennai-600009.

2.The Collector,  
Collector Office,  
GST Road, Chengelpet District,  
Chennai-603001.

3.The District Revenue Officer,  
Chengelpet District,  
Chennai-603001.

4.The Thasildar,  
Tambaram (05) Taluk,  
Chengelpet (35) District,  
Chennai-600045.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of Mandamus, Directing to consider the representation made to the Respondents 1 to 4 in Patta Transfer vide Can No.0330202094052 and application no.2020/0105/35/283083 dated 31.07.2020 and consider afresh the proceedings and direct forthwith the 4th respondent to effect change in the name of the owner i.e. The 1<sup>st</sup> Petitioner and issue the name transfer of Patta in her name in respect of the Scheduled property, more fully described in the Schedule to the Petition, within a stipulated time period.



For petitioners : Mr.Ajay Francis Inigo Loyola

For Respondent No.1 to 4 : Mr.Yogesh Kannadasan, GA

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O R D E R

Writ petition has been filed seeking mandamus to consider the representation of the petitioners to grant patta which application has been made in Can No. 0330202094052 and again in application No. 2020/0105/35/283083 dated 31.07.2020 and conduct fresh proceedings for grant of patta.

2. The petitioners herein stated that the husband of the 1<sup>st</sup> petitioner Mr.K.Narayanadas had purchased agricultural lands measuring an extent of 4800 sq.ft in survey numbers 23/3-A, 23/3-B and 23/3-C at Thiruvancheri Vilage, Tambaram Taluk, Kancheepuram District and also land measuring 4800 sq.ft in survey nos.23/3-A, 23/3-B and 23/3-C again in Thiruvancheri Vilage, Tambaram Taluk, Kancheepuram District. The first extent of land was in field nos. 1 &5 and the second extent of land was in field nos. 2&6. These properties were purchased by two documents namely sale deed registered as Document No. 5119/2012 and 5120/2021 both dated 30.08.2012 and registered in the office of the Sub Registrar at Pallavaram.

3. The petitioners claims that the husband of the 1<sup>st</sup> petitioner had been in possession of the said properties. He had also made claim for mutation of revenue records. Thereafter, unfortunately on 06.08.2018 he died leaving behind the two petitioners and also two other daughters and a son. The 1<sup>st</sup> petitioner's husband also executed a Will which was also probated in O.P.1086/18 by this Court. The 1<sup>st</sup> petitioner herein made an application on 31.07.2018 for grant of patta. It had been stated that the said request had been rejected. The said order of rejection was intimated by SMS on 19.01.2021 primarily stating that there was difference in measurement as found in the ground and as found in the documents/sale deeds.

4. It is the contention of the leaned counsel for the petitioners that the petitioners herein had given an application for measurement of the lands and as a matter of fact, the surveyor came for measurement, but the petitioners were not put on notice of the said survey, and therefore, there is every possibility that the measurements taken may not have been proper and it is for that reason, the Tahsildar/4<sup>th</sup> respondent might have rejected grant of patta. It is the claim of the learned counsel for the petitioners that had the petitioners been to put on notice they would have identified the lands which would have



enabled the surveyor to take correct measurements and forward a correct report to the Tahsildar to enable him to grant patta in the name of the petitioners. The present writ petition has been filed in the nature of a mandamus, seeking direction to grant patta and to consider afresh the application of the petitioners.

5. Heard Mr.Yogesh Kannadasan, learned Government appearing for the respondents.

6. Mr.Yogesh Kannadasan, learned Government appearing for the respondents stated that the order rejecting the patta should be challenged in manner known to law, but however taking note of the arguments put forth by the learned counsel for the petitioners that the measurements were taken in the absence of the petitioners without issuing proper notice to the petitioners, the learned Government Advocate also stated that the petitioners may be permitted to submit fresh application for measurement of the lands.

7. It would only be proper that the petitioners give a fresh application for both measurement of lands and also for grant of patta. The patta can be granted for the vacant lands only after satisfaction of the Tahsildar with respect to the lands on the ground and the lands as given in the schedule to the documents which the petitioners rely on. They must both tally. They must be same. For that purpose measurement of the lands and survey of the lands is required. Therefore a direction is given to the petitioners herein to submit a fresh application through online for measurement of the lands of the petitioners herein together with the necessary charges, within a period of two weeks from the date of receipt of a copy of this order.

8. On receipt of the said request, the 4<sup>th</sup> respondent/Tahsildar may depute a surveyor to measure the lands of the petitioners herein. That exercise should be completed within a period of ten further weeks. During such exercise, the petitioners must be put on notice and such survey should be conducted in the presence of the petitioners herein. Thereafter the petitioners may also simultaneously apply online for grant of patta after paying necessary charges and on the basis of the report of the surveyor, the 4<sup>th</sup> respondent/Tahsildar may take a considered decision either to grant patta or to reject patta. If adverse order is passed by the 3rd respondent, it is incumbent that the 4<sup>th</sup> respondent passes a detailed order giving reasons thereof, however if the documents are in order and if the lands are in accordance with the documents, the 4<sup>th</sup> respondent may take a decision to consider positively the applications of the petitioners herein. The Tahsildar is directed to pass final orders on the basis of the report of the Head Surveyor within a period of three weeks from the date of receipt of the report.



9. With the said observation, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary,  
Department of Land Revenue,  
Secretariat, Fort St.George,  
Chennai-600009.
- 2.The Collector,  
Collector Office,  
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- 3.The District Revenue Officer,  
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- 4.The Thasildar,  
Tambaram (05) Taluk,  
Chengelpet (35) District,  
Chennai-600045.

+2ccs to M/s.Ajay Francis Inigo Loyola, Advocate Sr No.41035

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PL (CO)  
PR (15/09/2021)