



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.12811 of 2019

Kunjammal

... Petitioner

-Vs-

1.The Tahsildar,
Mettur Taluk,
Mettur, Salem District.

2.Sumathi

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the 1st respondent to modify the extent of the property situated at Gonour Village, Mettur Taluk, comprised in Survey No.299/4 as 1.40 Acres instead of 0.35 hectare in Patta Pass Book No.288 pursuant to the petitioner's representation dated 19.03.2019 and pass orders accordingly.

For Petitioner	:: Mr.C. Deepak Kumar
For Respondent-1	:: Mr. K. M. D. Muhilan (Government Advocate)
For Respondent-2	:: Served- Name Printed No Appearance.

* * * * *

O R D E R

The relief sought for in this writ petition is for a direction to the 1st respondent to modify the extent of the property situated at Gonour Village, Mettur Taluk, comprised in Survey No.299/4 as 1.40 Acres instead of 0.35 hectare in Patta Pass Book No.288 pursuant to the petitioner's representation dated 19.03.2019 and pass orders accordingly.

2.The learned counsel for the petitioner would submit that the petitioner herein had purchased the said property at Gonour Village, Mettur Taluk, in Survey No.299/4 to an extent of 1.40 Acres by means of registered sale deed dated 20.03.1963 in document No.751 of 1963 on the file the SRO, Mecheri from one Ayyammal W/o. Marimuthu Goundar and her son Kaveri. From the date of purchase of the aforesaid property, the petitioner is in



possession and enjoyment of the said property after paying necessary tax to the revenue authorities for the same. While being so, due to administration mistake, the extent of the above property in Patta No.288 was wrongly mentioned as 0.35 hectare instead of 1.40 Acres and the same was wrongly included in the 2nd respondent's Patta No.2850 who is the adjacent land owner of the said property. Under such circumstances, the petitioner had sent a representation on 19.03.2019 to the Tahsildar, Mettur Taluk/1st respondent herein to modify the extent of the property in Survey No.299/4 situated at Gonour Village, Mettur Taluk, as per the registered sale deed dated 20.04.1963 in Document No.751 of 1963 on the file of the SRO, Mecheri in Patta No.288 as 1.40 Acres instead of 0.35 hectare. But, even after the receipt of representation dated 19.03.2019, the 1st respondent herein has not taken any steps on her representation so far and kept pending without any enquiry and orders. Hence, the petitioner is left no other alternative and efficacious remedy to approach this Court seeking writ of Mandamus for a direction to the 1st respondent to consider her representation dated 19.03.2019.

3.The learned Government Advocate would submit that Action taken report filed by the 1st respondent has already been submitted before this Court in this regard. The petitioner was summoned for enquiry on 04.02.2020 and the same was conducted in Taluk Office, Mettur. The Petitioner received the said property through the Sale Deed in the year 1963. But, during UDR in 1985, the survey No.229/4 is sub-divided into 7 parts from 229/4A to 229/4G and the record was created based on the document and enjoyment of the field. In view of the above, mother document bearing the aforesaid Survey Nos. needs to be scrutinized and all Pattadars in the same survey Nos. need to be summoned to sort out the issue in this regard.

4. It has been further submitted that the petitioner has sent her representation wrongly to the 1st respondent instead of DRO who is the competent authority to deal with this matter. Hence, this Court may pleased be to direct the petitioner to approach the competent authority ie. DRO, Mettur Taluk, for filing a fresh application requesting to modify the extent of her property in the Patta.

5. Heard, the learned counsel for the petitioner and the learned Government Advocate for the 1st respondent as well as perused the material available on records.

6. Having considered the aforesaid facts and circumstances of the case and submissions made by the learned Government Advocate, the petitioner is directed to apply fresh application before the competent authority ie. DRO, Mettur Taluk, having relevant documents in regard to the subject land. After submitting a fresh application before the competent authority who shall take up the issue and pass orders in accordance with



law within a period of Six months from the date of receipt of the application of the petitioner after affording sufficient opportunity to the petitioner herein.

7. With the aforesaid directions, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Lbm
To:

THE TAHSILDAR,
METTUR TALUK,
METTUR, SALEM DISTRICT.

COPY TO :
THE DISTRICT REVENUE OFFICER (DRO),
METTUR TALUK,
METTUR, SALEM DISTRICT.

+1 cc to Mr.C.Deepak Kumar, Advocate Sr.NO. 44932

W.P. No.12811 of 2019

GPL(CO)
A.SK(26.10.2021)