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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.14096 OF 2020

Malathi @ Visalakshi

... Petitioner

Vs

- 1) The District Collector,
Chennai-600 001.
- 2) The District Revenue Officer,
Chennai Collectorate,
Chennai-600 001.
- 3) The Tahsildar,
Alandur Taluk Office,
Chennai-600 016.
- 4) The Assistant Director,
Survey and Land records,
Chennai Collectorate,
Chennai-600 001.
- 5) The Special Tahsildhar (Settlement),
Alandur Taluk Office,
Chennai-600 016.
- 6) The Settlement Officer,
Chepauk, Chennai.
[R-6 Suo Motu impleaded vide order dated
08.10.2020 made in W.P.No.14096 of 2020]

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the fifth respondent in his proceedings in Na.Ka.No.603/2020/A1 dated 07.09.2020 and quash the same and thereby direct the respondents to demarcate and survey the petitioner's property in Paimash No.581, Revenue Survey No.82/18 Ward E, Block 13, Town Survey No.81/2, measuring an extent of East West 60 ft North South 81 ft totalling 4860 sq.ft. (as per patta extract) at Adambakkam Village, Alandur Taluk, Chennai District (formerly Kanchipuram District) and also



plant survey stones and consequently effect sub division patta in favour of the petitioner.

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For Petitioner : Mr.N.Suresh
For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records of the fifth respondent in his proceedings in Na.Ka.No.603/2020/A1, dated 07.09.2020, quash the same and thereby direct the respondents to demarcate and survey the petitioner's property in Paimash No.581, Revenue Survey No.82/18 Ward E, Block 13, Town Survey No.81/2, measuring an extent of East West 60 ft North South 81 ft, totalling 4860 sq.ft. (as per Patta extract) at Adambakkam Village, Alandur Taluk, Chennai District (formerly Kanchipuram District) and also plant survey stones and consequently effect sub division patta in favour of the petitioner.

2. The petitioner owned the property in Original Paimash No.581 comprised in Revenue S.No.82/18 to an extent of 35 cents. It was originally owned by one S.Swaminathan and he purchased the same by way registered sale deed dated 08.05.1961, vide Document No.1085/1961. Thereafter, it was sold in favour of the Nanganallur Co-operative Building Society. The said Society had sold the above said property in favour of the petitioner by way of registered sale deed dated 17.12.1969, vide Document No.907/1969. Thereafter, the petitioner also sold four portions of the said property to four different persons by registered sale deeds dated 31.07.1982. The petitioner retained the remaining extent and he was issued Patta by the Assistant Settlement Officer, Tiruvannamalai in SR.Nos.22/91 and 2/92, dated 31.10.1992. There is also yet another discrepancy in the Patta in respect of Town Survey Number and instead of 81/2, the typed order mentions as T.S.No.81/1. Further, taking advantage of this mistake, the adjacent property owners are continuously raising issues relating to the subject property and its boundary and Town Survey number. In fact, the first respondent issued extract of the Correlation Register in respect of the property comprised in S.No.82/18. As per Correlation Register, the property fell in old Paimash No.58,1 ad-measuring 35 cents, which correlated to old Revenue S.No.82/18 ad-measuring 35 cents. In the Patta extract issued by the Assistant Settlement Officer, Thiruvannamalai, in Patta No.2939, details of the town survey and details of the Revenue Accounts correlated both.



3. The petitioner's property was identified and boundary was fixed by conducting survey and demarcation on the basis of the sale deeds and other Revenue documents. Therefore, the petitioner submitted his representation to survey and demarcate the subject land. In fact, earlier the petitioner filed a Writ Petition before this Court in W.P.No.8466 of 2020 and by order dated 06.07.2020, this Court directed the respondents 3 and 4 therein to consider the representation of the petitioner and pass orders on merits and in accordance with law, after hearing all the parties concerned. However, the fifth respondent rejected the said representation for the reason that the revenue records in respect of T.S.No.81/2 does not relate to the petitioner. That apart, the petitioner filed an appeal before the fourth respondent as against order of the Assistant Settlement Officer for issuance of patta in respect of the property comprised in S.No.81/2. However, the petitioner was already issued with patta in respect of property comprised in S.No.81/2 (Old S.No.82/18) to an extent of 0.0450.0 sq.mts. Though the appeal filed by the petitioner was dismissed, by order dated 14.12.2020, the patta was already issued in respect of Town Survey No.81/2 (Old S.No.82/18 to an extent of 0.0450.0 sq.mts.

4. Considering the above facts and circumstances of the case, the impugned order passed by the fifth respondent cannot be sustained and it is liable to be quashed. Accordingly, the same is quashed. The third and fifth respondents are directed to conduct enquiry, after issuance of notice to the petitioner and counter parties, if any and after giving an opportunity of hearing to them, pass orders to survey and demarcate the petitioner's property comprised in Paimash No.581, Revenue Survey No.82/18 Ward E, Block 13, Town Survey No.81/2, measuring an extent of East West 60 ft North South 81 ft totalling 4860 sq.ft., within a period of eight weeks from the date of receipt of a copy of this order. Thereafter, subject to the entitlement of the petitioner for patta in respect of Town Survey No. 81/2, survey and demarcation of the the property may be conducted by the third respondent.

5. In the result, this Writ Petition is allowed as prayed for. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

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Sub Assistant Registrar



To

- 1) The District Collector,
Chennai-600 001.
- 2) The District Revenue Officer,
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Chennai-600 001.
- 3) The Tahsildar,
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Chennai-600 016.
- 4) The Assistant Director,
Survey and Land records,
Chennai Collectorate
Chennai-600 001.
- 5) The Special Tahsildhar (Settlement),
Alandur Taluk Office,
Chennai-600 016.
- 6) The Settlement Officer,
Chepauk, Chennai.

+1cc to Mr.N.Suresh, Advocate, S.R.No.68464
+1cc to the Government Pleader, S.R.No.68669

W.P.No.14096 of 2020

MT (CO)
PM/08/03/2022