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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

WP.No.17132 of 2019

[Video Conferencing]

N.Elumalai

...Petitioner

Versus

1. The Revenue Divisional Officer
Thiruvallur District
Thiruvallur - 602 001.
2. The Tahsildar
Maduravoyal Taluk
Chennai - 600 095.
3. The Land Surveyor
Thiruverkadu Village,
Chennai - 600 077.
4. The Village Administrative Officer
Thiruverkadu Village,
Chennai - 600 077.

...Respondents

PRAYER : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to dispose of the petitioner's representation dated 04.03.2013 and reminder letter dated 23.04.2019 for issuance of the patta in favour of the petitioner for the land comprised in S.No. 13/6 to an extent of 0.52 cents and to rectify the error ie., the extent presently mentioned as 0.05.5 acres to 0.52 cents within a time frame as may be stipulated.

For Petitioner : Mr. R. Karthikeyan

For Respondents : Mr. K.M.D.Muhilan
Government Advocate

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the respondents particularly the second and third respondents, namely, Tahsildar, Maduravoyal



Taluk, Chennai and the Land Surveyor, Thiruverkadu Village, Chennai, to dispose of the petitioner's representation given on 04.03.2013 and subsequent reminder letter given on 23.04.2019 for issuance of patta in favour of the petitioner with respect to the land in S.No. 13/6 measuring to an extent of 0.52 cents and to rectify the error which has been wrongly mentioned as 0.05.5 acres to 0.52 cents.

2. The petitioner is the absolute owner of the said lands after death of this father Narayanapillai and there are no other rival claimants to the said lands. After the petitioner inherited the said land, he applied for transfer of patta and he found that patta which stood in the name of his father, the area was wrongly given as 0.05.5 acres whereas the actual land measured 0.52 cents.

3. Naturally, prior to the issuance of patta, the land had to be surveyed. In this connection, he had given a representation on 04.03.2013. Pursuant to such representation, the learned counsel for the petitioner drew the attention of this Court to communications issued by the Revenue Divisional Officer, Thiruvallur District, dated 19.08.2014 in Na.Ka.No. 1808/2014/A5 to the Tahsildar, Poonamallee asking him to do the needful concerning the representation. A further letter had been issued by the Tahsildar on 10.03.2015 in OM No. 1486/2013A2 to the Surveyor to take necessary steps to measure the property to survey the lands of the petitioner. But unfortunately, no steps have been taken by the said Tahsildar or by the Surveyor, who have been impleaded as respondent Nos. 2 & 3 herein. The petitioner had therefore been compelled to give a fresh representation on 23.04.2019.

4. A mandamus is issued to the second respondent/Tahsildar, Maduravoyal Taluk, Chennai, to take necessary steps with respect to the representation dated 23.04.2019 and the petitioner can also give a fresh representation enclosing not just the representation dated 23.04.2019 but also the earlier representation and also copies of the letters of the Revenue Divisional Officer to the Tahsildar herein and on receipt of such representation, the Tahsildar is placed under obligation to conduct survey of the lands of the petitioner with the assistance of the Land Surveyor, Thiruverkadu Village/third respondent, within a period of 12 weeks.

5. Let the Tahsildar also issue notice to any other person, who might be interested in the very same patta claimed by the petitioner herein. Let the entire exercise as stated be completed within a period of 12 weeks from the receipt of representation of the petitioner enclosing earlier representations and the official letters.



6. With the above said direction, this Writ Petition is disposed of. No order as to costs.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Vsg

To

1. The Revenue Divisional Officer
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2. The Tahsildar
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Chennai - 600 095.
3. The Land Surveyor
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Thiruverkadu Village,
Chennai - 600 077.

+2cc to Mr.R.Karthikeyan, Advocate, S.R.No.40128 dated 13.08.2021
+1cc to the Government Pleader, S.R.No.40803 dated 16.08.2021

WP.No.17132 of 2019

GSM(CO)
RGA(01/09/2021)