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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.20963 of 2021

Perumal

... Petitioner

-Vs-

- 1.The District Collector,
Villupuram District,
Villupuram.
2. The Additional Collector (Revenue) &
Additional District Magistrate,
Villupuram
Villupuram District.
3. The Assistant Director,
Land Survey & Records Department,
Villupuram,
Villupuram District.
4. The Sub-Collector,
Sub Collector Office,
Tindivanam,
Villupuram District.
5. The Tahsildhar,
Tindivanam Taluk,
Tindivanam,
Villupuram District

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for to issue Writ of Mandamus directing the respondents to survey and issue the separate patta in the petitioner's name namely "Perumal" in respect of his property in Survey No.75/4, to the extent of 6^{1/2} cents situated at Keelmaavilangai Village, Tindivanam Taluk, Villupuram District within a stipulated time as fixed by this Court and pass orders accordingly.

For Petitioner

:: Mr. S. Sasikumar



For Respondents

:: Mr. Yogesh Kannadasan
(Government Advocate)

O R D E R

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This Writ Petition has been filed under Article 226 of the Constitution of India, praying for to issue Writ of Mandamus directing the respondents to survey and issue the separate patta in the petitioner's name namely "Perumal" in respect of his property in Survey No.75/4, to the extent of 6^{1/2} cents situated at Keelmaavilangai Village, Tindivanam Taluk, Villupuram District within a stipulated time as fixed by this Court and pass orders accordingly.

2.The learned counsel for the petitioner would submit that the petitioner purchased the punja lands to the extent of 4 cents comprised in survey No.75/4, Keelmaavilangai Village, Tindivanam Taluk,Villupuram District vide document No.1208 of 1990 on 4.10.1990 and the petitioner's father namely, lyyamperumal purchased the extent of 4 cents comprised in survey No. 75/4 Keelmaavilangai Village, Tindivanam Taluk, Villupuram District vide document No.135 of 1973 on 03.02.1973 at the office of Sub-Registrar, Avarapakkam which is adjacent to the petitioner's land. After the demise of the petitioner's father lyyamperamal, revenue officials issued UDR patta in the petitioner's brother's name without perusing the title deeds and also they included the property of the petitioner in the UDR patta. The ancestral property and self-acquired property of the petitioner are not partitioned with his family members till date. Without the absence of partition deed, the revenue officials issued UDR patta in the petitioner's brother's name for the best reasons known to them. The respondents also wrongly issued UDR patta comprised in Survey No 26/9 to the extent of 0.350 Sq.mtr. in the petitioner's father name which is not at all belongs to him. The petitioner is the absolute owner of the said land 4 cents comprised in survey No.75/4, Keelmaavilangai Village, Tindivanam Taluk, Villupuram District and the petitioner is in possession and enjoyment from the date of purchase to till date.

3.It has been further submitted that the petitioner made an application for survey the land and the rectify the UDR patta issued in the petitioner's brother name and as well as issuance of separate patta in the name of the petitioner and the same was not considered and no response from the side of the respondent so far while there is no rival claim from any other person and the petitioner is in possession and enjoyment of the respective lands and also no issues with regard to possession of the lands.

4. The learned counsel for the petitioner would submit that



at the same time, as there is a mistake in the extent of lands in the UDR patta as well as other digital revenue records, the petitioner made an application to the respondents on 15.2.2021 to correct the mistake committed in the UDR patta and include the land of the petitioner to the extent of 6^{1/2} cents in the UDR patta. Even though the petitioner made several requests to the respondents for rectifying the mistakes with regard to extent of lands in the UDR patta and revenue records and the same is pending more than 5 months. No action was taken to rectify and correct the extent of lands in the UDR Patta and the same is pending without any progress till date.

5. It has been further submitted that the 2nd respondent received the petitioner's representation and forwarded the same to the 5th respondent along with his letters dated 10.3.2021 and 15.3.2021 for necessary action. The 4th respondent also directed the 5th respondent to make enquiry on the petitioner's representation vide his letter dated 15.4.2021.

6. The learned counsel for the petitioner would further submit that as per the Section 10 of Tamilnadu Patta Pass Book Act, the 5th respondent who is the competent authority has to rectify the mistakes for the modification of the relevant entries in the patta pass book and other revenue records, but no action has been taken by the 5th respondent for the past 5 months. Therefore, the petitioner's rights guaranteed under Article 21 and 300A of Constitution of India has been deprived by the respondents. Hence, the petitioner is left with no other alternative and efficacious remedy except to approach this Court by invoking its jurisdiction under Article 226 of Constitution of India seeking for Writ of Mandamus directing the respondents to survey and issue the separate patta in the petitioner's name in respect of his property in Survey No.75/4, to the extent of 6^{1/2} cents situated at Keelmaavilangai Village, Tindivanam Taluk, Villupuram District within a stipulated time as fixed by this Court and pass orders accordingly.

7. The learned Government Advocate for the respondents would submit that as the 5th respondent was already directed to hold enquiry on the representation dated 15.02.2021 of the petitioner by the respondents 2 and 4, this Court may be directed 5th respondent to hold enquiry with regard to the prayer of the petitioner and pass orders within a time frame as fixed by this Court in accordance with law.

8. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.

9. Having considered the facts and circumstance of the case



and submissions made by the learned counsel on either side, this Court directs the 5th respondent to hold an enquiry considering the representation dated 15.02.2021 and related documents submitted by the petitioner herein and pass appropriate orders in accordance with law within a period of six months from the date of receipt of copy of this order after affording sufficient opportunity to the petitioner herein.

10. In the result, the Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lbm

1. The District Collector,
Villupuram District,
Villupuram.
2. The Additional Collector (Revenue) &
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3. The Assistant Director,
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5. The Tahsildhar,
Tindivanam Taluk,
Tindivanam, Villupuram District

+1cc to Mr. S. Sasikumar, Advocate, S.R.No.50753

+1cc to the Government Pleader, S.R.No.51599

W.P. No.20963 of 2021

NMI (CO)

CT 10/12/2021