



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.4960 of 2022

and

W.M.P.Nos.5095 and 5096 of 2022

K.Kirubakaran

... Petitioner

vs.

1. The Tahsildar,
Purasaiwalkam Taluk,
Chennai - 600 007.

2. The Head Land Surveyor,
Purasawalkam Taluk,
Chennai - 600 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent in his proceedings Na.Ka.No.A2/415/2021 dated 13.10.2021 and quash the same as illegal and unlawful and consequently direct the 1st and 2nd respondents to survey and fix boundaries and common passage on the basis of the online application No.2021/0154/02/004793 dated 08.09.2021 applied by the petitioner.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of a writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent in his proceedings Na.Ka.No.A2/415/2021 dated 13.10.2021 and quash the same as illegal and unlawful and consequently direct the 1st and 2nd respondents to survey and fix boundaries and common passage on the basis of the online application No.2021/0154/02/004793 dated 08.09.2021 applied by the petitioner.



2. The case of the petitioner is that the petitioner, is the absolute owner of two household properties, which were purchased from his mother one Gnanambigai by way of sale and settlement deed in favour of him situated at Purasaiwakkam, Chennai - 600 007. Thereafter, the 1st respondent issued separate Patta in favour of the petitioner in Patta Nos.873/1991 and 140/2006. In order to sell one of the properties to the willing purchaser, the petitioner applied for measurement and sub-division and also for fixing boundaries indicating and demarking the common passage for both the properties along with the necessary documents on 08.09.2021. Based on the report of the 2nd respondent, the 1st respondent rejected the petitioner's application, vide proceedings Na.Ka.No.A2/415/2021 dated 13.10.2021. Challenging the said proceedings, the petitioner has come up with the present Writ Petition seeking for the aforesaid relief.

3. The learned counsel for the petitioner submits that, prima facie, the view expressed by the Tahsildar is incorrect. Admittedly, the petitioner purchased the properties from his own mother by way of a sale and settlement deed and not by way of a Sale Agreement. However there is an effective remedy of Appeal available before the Revenue Divisional Officer concerned under Section 12 of Tamil Nadu Patta Passbook Act, 1984.

4. Heard learned counsel appearing on either side and perused the materials placed before this Court.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the petitioner to file an Appeal before the Revenue Divisional Officer concerned who shall pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner and aggrieved persons, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rap/nhs



To

1. The Tahsildar,
Purasaiwalkam Taluk,
Chennai - 600 007.
2. The Head Land Surveyor,
Purasawalkam Taluk,
Chennai - 600 007.

Copy to:
The Revenue Divisional Officer,
Chennai.

+1cc to Mr.S.Venkatesh, Advocate, S.R.No.14928

+1cc to the Government Pleader, S.R.No.15893

W.P.No.4960 of 2022

MT(CO)
SU(08/04/2022)