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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.9549 OF 2018

1. M.Chandramohan
2. C.Anitha Anand

... Petitioners

-Vs-

1. The State of Tamil Nadu,
Represented by Secretary,
Housing and Urban Development,
Fort St.George,
Chennai - 600 009.
2. The Principal Secretary and
Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepauk,
Chennai - 600 005.
3. The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
Coimbatore.
4. The Sub Registrar,
Office of the Sub Registrar,
Madhukarai,
Coimbatore.
5. Alpha Associates,
Represented by C.L.Francis,
R.76, Kovai Pudur,
Coimbatore - 641 042.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in his order dated 07.12.2017 in his proceedings bearing number Na.Ka.No.6685/2017(J3) and quash the same and direct the second respondent to rectify the typographical /



clerical error made in the order of the third respondent dated 27.03.1987 bearing proceedings no S.R.No.112/86A2 in respect of land situated in S.F.Nos.121/2 and 3, Sundakamuthur Village, Coimbatore South, Plots No.4 and 5.

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For Petitioners	:	Mr.S.Mukunth
For R1 to R3	:	Mr.R.Neelakandan Additional Advocate General assisted by Mr.P.Balathandayutham Special Government Pleader
For R4	:	Mr.Yogesh Kannadasan Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent in his order dated 07.12.2017 in his proceedings bearing number Na.Ka.No.6685/2017(J3) and quash the same and direct the second respondent to rectify the typographical / clerical error made in the order of the third respondent dated 27.03.1987 bearing proceedings no S.R.No.112/86A2 in respect of land situated in S.F.Nos.121/2 and 3, Sundakamuthur Village, Coimbatore South, Plots No.4 and 5.

2. Heard both sides.

3. The case of the petitioners is that the land comprised in S.F.No.121, ad-measuring 8.62 acres belong to four persons. Out of the total extent, an extent of 4.31 acres comprised in S.F.No.121/1 belong to one Nachimuthu, an extent of 1.44 acres comprised in S.F.No.121/2 belong to one Ramasamy Konar, an extent of 1.43 acres comprised in S.F.No.121/3 belong to one Ayyasamy Konar and to an extent of 1.44 acres comprised in S.F.No.121/4 belong to one Arumuga Konar.

4. By the sale deed, dated 29.10.1980, the said Nachimuthu sold his share and Arumuga Konar also sold his share by the sale deed, dated 25.03.1981 to M/s.Alpha Associates i.e. the fifth respondent herein. Thus, the fifth respondent became the absolute owner of the land ad-measuring 5.75 acres comprised in S.F.Nos.121/1 and 121/4. The other two individuals i.e.Ramasamy Konar and Ayyasamy Konar, owned properties in S.F.Nos.121/2 and 121/3 sold their respective lands to four persons. So, all of them appointed one Ramasamy as their Power of Attorney to develop the said properties.



5. Thereafter, the said Ramasamy plotted the lands and named the housing colony as "Siruvani Nagar" and the residential plots were duly approved by the DTCP. In the said layout, the first petitioner had purchased Plot No.4, ad-measuring 5 cents and 198 sq.ft. Similarly, one Indirani had also purchased Plot Nos.9 and 10 in the same layout. Subsequently, the first petitioner had settled his property in favour of the second petitioner herein and she constructed a residential house and she is in possession and enjoyment of the same. When the petitioners intended to sell their house sites, they were informed by the fourth respondent that the lands comprised in S.F.No.121/2 were already subjected to The Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978. However, they were also informed that the land comprised in S.F.Nos.121/1 and 121/4 alone were subjected to the proceedings under the said Act and not the land comprised in S.F.No.121/2.

6. By the proceedings of the third respondent, dated 27.03.1987, a reference was made about the lands comprised in S.F.Nos.121/1 and 121/2 upon an oral testimony of the fifth respondent herein. However, the testimony recorded is correct with respect to his name and incorrect with respect to the survey number. The fifth respondent had purchased lands only in S.F.No.121/1 and 121/4, but mistakenly recorded as 121/1 and 121/2. Even as per the sale deeds, dated 29.10.1980 and 25.03.1981 executed in favour of the fifth respondent mentioned in respect of the lands comprised in S.F.Nos.121/1 and 121/4 and not with respect to the land comprised in S.F.No.121/2. There seems to be a typographical error in recording the data as 121/2 instead of 121/4.

7. It was brought to the knowledge of the second and third respondents and called the petitioners for enquiry and after taking note of the mistake, the third respondent forwarded the same for correction by the second respondent. However, the second respondent rejected on the ground that the Repeal Act 20/1999 does not empower him such correction and the petitioners were directed to approach this Court.

8. In view of the above, the proceedings of the second respondent, dated 07.12.2017 in bearing number Na.Ka.No.6685/2017(J3), is hereby quashed. The second respondent is directed to rectify the typographical error made in land records including the order of the third respondent, dated 27.03.1987 in respect of the lands comprised in S.F.Nos.121/2 and 121/3, situated at Sundakamuthur Village, Coimbatore South, Plots No.4 and 5, within a period of six weeks from the date of receipt of a copy of this order.



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9. In view of the above, this writ petition stands allowed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The State of Tamil Nadu,
Housing and Urban Development,
Fort St.George,
Chennai - 600 009.
2. The Principal Secretary and
Commissioner,
Urban Land Ceiling and Urban Land Tax,
Chepauk,
Chennai - 600 005.
3. The Assistant Commissioner,
Urban Land Ceiling and Urban Land Tax,
Coimbatore.
4. The Sub Registrar,
Office of the Sub Registrar,
Madhukarai,
Coimbatore.

+1cc to the Government Pleader, S.R.No.4290

W.P.No.9549 of 2018

KSM(CO)
RLP(11/02/2022)