



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.8956 OF 2022

W.M.P.NOS.8785, 8786 & 8787 OF 2022

A.Larson Paulraj

... Petitioner

S/o.Anandaraj,
rep by its Power agent, A.Shanthi Anandaraj.

Vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Revenue Divisional Officer,
No.6/144, Pathnoolchathram,
Sriperumbudur,
Kancheepuram.
3. The Tahsildar,
Kundrathur,
Kundrathur Main Road,
Subramaniyan Nagar,
Thandalam,
Chennai - 600 069.
4. The Deputy Tahsildar,
Kundrathur,
Kundrathur Main Road,
Subramaniyan Nagar,
Thandalam,
Chennai - 600 069.
5. A.Devarajan

... Respondents



Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the second respondent in Na.Ka.No.3525/2020/A3 dated 12.08.2021 and to quash the same as illegal, unconstitutional and wholly without jurisdiction.

For petitioner : Mr.N.Beulah John Selvaraj

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

The petitioner has filed this petition to issue a Writ of Certiorari to call for the records on the file of the second respondent in Na.Ka.No.3525/2020/A3 dated 12.08.2021 and to quash the same as illegal, unconstitutional and wholly without jurisdiction.

2. Mr.R.P.Murugan Raja, learned Government Advocate takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the disputed property in Old S.No.724/79A, New S.No.1091/16, measuring an extent of 3390 Sq.ft, situated at Manimangalam village, originally owned by M.K.Dhandayuthapani Mudalier. He had mortgaged the above said property to one G.D.Nesammal vide document no.1464/1951 dated 09.05.1951. Thereafter, the said Dhandayuthapani sold the property in favour of Nesammal by a Sale deed dated 17.05.1957, vide document no.585/1957 on the file of SRO Sriperambudur. The said Nesammal died in 1983, leaving behind her son/K.Anandraj. On 29.03.1995 the Special Tahsildar had issued a Patta for the above said property in favour of petitioner's father/Anandraj. It is further case of the petitioner is that the fifth respondent had purchased an adjacent land in Old S.No.724/79A, New S.No.1101/2 measuring an extent of 3200 sq.ft by a Sale Deed dated 04.01.2012, vide document no.39/2012. Subsequently, fifth respondent claim to have purchased a Well in Old S.No.724/79A, New S.No.1101/2 30 feet depth, 6 feet circle by a Sale Deed dated 27.08.2019 in Doc.No.6293/2019. Since, there was a boundary dispute between the petitioner and fifth respondent, the petitioner father made an application on 25.07.2012 before the third respondent to survey the land. In the meanwhile, the third respondent had issued Chitta in favour of the petitioner's



father vide Chitta no.41 dated 12.07.2021. Thereafter, the fifth respondent applied for surveying of the land, an enquiry was conducted only for fifth respondent without any notice to the petitioner. The second respondent without scrutinising the document submitted by the petitioner's father, passed an order dated 12.08.2021, directing the third respondent to mutate 3 feet by reducing it from the petitioner's property as well as adding into the fifth respondent's property. In the meanwhile, petitioner's father settled the property in favour of the petitioner by Settlement Deed dated 28.09.2021 in Doc.No.7072/2021. Thereafter, objecting the impugned order passed by the second respondent, the petitioner and his wife made a representation dated 22.11.2021 to the Assistant Director, Survey and Land Records Department. However, till date no action has been taken by the respondents on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the respondents to consider the petitioner's representation dated 22.11.2021 within the time frame that may be fixed by this Court.

5. The learned Government Advocate appearing for the respondents submits that there is an effective remedy available before the District Revenue Officer, petitioner instead of availing such a remedy, filing of the present writ petition is not sustainable.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the petitioner to file a revision petition before the District Revenue Officer, in terms of Section 13 of the Patta Passbook Act.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tri/mn



To

1. The District Collector,
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Kancheepuram.

2. The Revenue Divisional Officer,
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4. The Deputy Tahsildar,
Kundrathur,
Kundrathur Main Road,
Subramaniyan Nagar,
Thandalam,
Chennai - 600 069.

+1cc to Mr.N.Beulah John Selvaraj, Advocate, S.R.No.25249
+1cc to the Government Pleader, S.R.No.25514

W.P.No.8956 of 2022
W.M.P.Nos.8785, 8786 & 8787 of 2022

SRA (CO)
PM/26/04/2022