



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.9638 of 2022
and
W.M.P.No.9384 of 2022

1. P.Ramesh
2. Amutha

... Petitioners

Vs.

1. The Revenue Divisional Officer,
Tondiarpet,
Chennai.
2. The Tahsildar,
Madhavaram,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to remove the Survey No.19/18B in Patta No.5098 and issue fresh Patta in respect of Survey No.98/19B, 98/2A4B1 & 98/2B2 of an extent of 2181 Sq.ft., in Kathirvedu Village Britannia Nagar, Madhavaram Taluk.

For Petitioner : M/S.J.Franklin

For Respondents : Mr.V.Veluchamy

Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to remove Survey No.19/18B in Patta No.5098 and issue fresh Patta in respect of Survey Nos.98/19B, 98/2A4B1 and 98/2B2 of an extent of 2181 Sq.ft., in Kathirvedu Village Britannia Nagar, Madhavaram Taluk.

2. The case of the petitioners is that they are the owners of the property in Old Survey No.98/18B, New Survey Nos.98/19B, 98/2A4B1 and 98/2B2 of an extent of 2181 Sq.ft., in Kathirvedu Village Britannia Nagar, Madhavaram Taluk, and the



same has been registered, vide Document No.16746/2019 on the file of Sub Registrar Office, Ambattur. Subsequent to the purchase of the aforesaid property, they are in possession and enjoyment of the same. Further, the petitioners have applied for Patta in their name. Thereafter, the Patta has also been issued to the petitioners, bearing Patta No.5098, however, in which Survey No.19/18B has been included wrongly. The grievance of the petitioners is that the said S.No.19/18B is no way related to their property, and therefore, the Survey No.19/18B ought to be removed. In this regard, the first petitioner has made a representation dated 24.06.2021 before the respondents, seeking to remove Survey No.19/18B in Patta No.5098 and issue fresh Patta in respect of Survey Nos.98/19B, 98/2A4B1 and 98/2B2. Further, the petitioners have sent a legal notice on 27.12.2021 to both the respondents to remove Survey No.19/18B and issue fresh Patta based on the sale deed document. However, till date, no order has been passed. Hence, the petitioner has filed the present Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 24.06.2021 and pass orders on the same, within a particular time frame that may be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents has no objection for the said order being passed.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 24.06.2021 and pass appropriate orders on merits and in accordance with law, after affording opportunity to the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

jd/rap



To

1. The Revenue Divisional Officer,
Tondiarpet,
Chennai.

2. The Tahsildar,
Madhavaram,
Chennai.

+1cc to the Government Pleader SR.No.27994

W.P. No.9638 of 2022
and
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NR(CO)
GN(05/05/2022)