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W.P.No.25523 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.25523 of 2022

P.Chinnappa

... Petitioner

Vs.

The Tahsildar,
Mylapore Taluk,
Extension, Bishop Garden,
46, Greenways Road,
Raja Annamalai Puram,
Chennai – 600 028.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent to issue proper patta in favour of the petitioner pertaining to the immovable property, comprised in OFB No.5618, 5619, 5620, 5642 and 5643 within the SRO Mylapore, Block No.0073 Mylapore part II town, having total extent of 1365 + 1549 = 2914 sq.ft., within Teynampet Guideline Village, Bearing New Door No.95, 97 Old Door No.43, 44 that shall contain common pathway, within the time frame to be stipulated by this Court.

For Petitioner : Mr.S.Rajamohan

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For Respondent : Mr.U.Bharanidharan,
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of Writ of Mandamus by directing the respondent to issue proper patta in favour of the petitioner pertaining to the immovable property, comprised in OFB No.5618, 5619, 5620, 5642 and 5643 within the SRO Mylapore, Block No.0073 Mylapore part II town, having total extent of $1365 + 1549 = 2914$ sq.ft., within Teynampet Guideline Village, Bearing New Door No.95, 97 Old Door No.43, 44 that shall contain common pathway, within the time frame to be stipulated by this Court.

2. The case of the petitioner is that the petitioner has purchased a property to an extent of 2914 sq.ft. from one Kunall Govindarrajan under Registered sale deed dated 10.11.2021 and registered as Doc No.1312 of 2021. The petitioner's vendor provided passage as shown in the Sketch annexed to the sale deed. Unfortunately, without considering the sketch, the respondent has issued a patta without showing passage provision. Therefore, the petitioner made a representation dated 11.03.2022 before the respondent



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seeking issuance of patta in his favour with proper land sketch that indicates common pathway, however, till date, no order was passed. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that the respondent has issued patta for the entire extent of land without showing the passage provision. Hence, he prayed this Court to issue a direction to the respondent to consider the petitioner's representation dated 11.03.2022.

4. Learned Additional Government Pleader appearing for the respondent would submit that the patta was executed in favour of the petitioner for the entire extent of land. However, in respect of passage provision, the respondent Tahsildar has no power to earmark the passage in the patta and the petitioner has to approach the Competent Civil Court.

5. Heard the learned counsel on either side and perused the materials placed on record.



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6. The fact in the present case is not in dispute. The petitioner has purchased a property to an extent of 2914 sq.ft and for the same, he obtained a patta from the Tahsildar. The grievance of the petitioner is that the passage which was shown in sketch was not included in the patta. Hence, he filed this writ petition.

7. Considering the facts and circumstances of the case, it is clear that the Tahsildar has no power to describe the feature in the patta and he can issue a patta only based on the title. Accordingly, the Tahsildar has rightly issued a patta for the land, which was purchased by the petitioner and not earmarked the passage. If the petitioner has any grievance with regard to the passage, he has to work out the remedy before the Competent Civil Court and the Tahsildar has no power to decide the issue. Hence, the prayer sought by the petitioner cannot be granted.

8. Accordingly, this writ petition stands dismissed. However, liberty is granted to the petitioner to approach the Competent Civil Court with regard to the passage grievance. No costs.

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Index : Yes/No

Speaking Order : Yes/No

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M.DHANDAPANI,J.

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