



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.5523 of 2017 and
WMP.No.5872 of 2017

I.Irulappan

...Petitioner

Vs

1. The Tahsildar,
Perambur Taluk, Chennai-11

2. The District Surveyor,
Collector Office, Chennai-1

3. Stephen Sampathkumar

...Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to cancel of erroneous patta granted on 26.06.1998 by the first respondent and issue proper patta for the remaining extent of land 53 x 20 sq.ft.

For Petitioner : Mr.G.Appavu

For Respondents

For R1 & 2 : Mr.V.Jeevagiridharan,
Additional Government Pleader

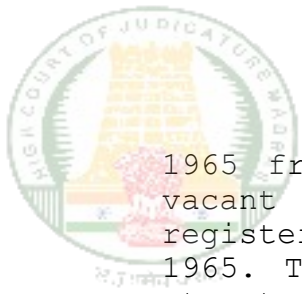
For R3 : Mr.B.Jawahar
for M/s.A.Sumathi

ORDER

This writ petition is filed for direction directing the second respondent to cancel the patta granted on 26.06.1998 by the first respondent and issue proper patta for the remaining extent of land 53 x 20 sq.ft.

2. Heard, Mr.G.Appavu, the learned counsel for the petitioner, Mr.V.Jeevagiridharan, Additional Government Pleader appearing for respondents 1 & 2, and Mr.B.Jawahar, learned counsel appearing for the third respondent.

3. The case of the petitioner is that the petitioner's wife purchased the land admeasuring 3000 sq.ft. by the registered sale deed dated 07.06.1965 registered vide document No.1352 of



1965 from one Appusi Mudaliar. Same vendor also sold out the vacant land to the father of the third respondent under the registered sale deed dated 04.06.1965 vide document No.1301 of 1965. The further case of the petitioner is that there was no street formed for the portion sold to the petitioner's wife. She was reported to have been allowed to use six feet passage lying on the northern side of the plot purchased by the father of the third respondent herein. The vendor had left the aforesaid portion of 392 sq.ft. with specific understanding in the event of Tmt.Chellam Ammal not using the 6 feet passage from Rajaji Salai, she would be entitled to enjoy the left over portion. Whereas the petitioner claims that the father of the third respondent had settled portion of the plot to his son i.e. the third respondent by the settlement deed dated 02.06.1989 registered vide document No.1260 of 1989 in respect of the property admeasuring 65x20 sq.ft. including 5 feet portion of the land in aforesaid piece of 392 sq.ft. Consequently, the first respondent granted patta for the extent of $65 \times 20 = 1300$ sq.ft. Thereafter, the petitioner submitted application to the first respondent to cancel the patta granted in favour of the third respondent. The vendor of the petitioner had sold the above said extent leaving a space of about 14×28 feet = 392 sq.ft. in between the plot sold out to the father of the third respondent and the wife of the petitioner.

4. However, the petitioner made request before the first respondent for cancellation of patta who is not the competent to cancel the patta issued in favour of the third respondent. Considering the same, the petitioner is directed to submit a fresh application as against the issuance of patta in favour of the third respondent before the Revenue Divisional Officer concerned in the manner known to law. On receipt of the same, the Revenue Divisional Officer concerned is directed to issue notice to the petitioner and the third respondent and, after conducting enquiry after giving them opportunity of hearing, pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

5. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar,
Perambur Taluk, Chennai-11

2.The District Surveyor,
Collector Office, Chennai-1

3.The Revenue Divisional Officer,
Chennai - 1.

+1cc to Mr.G.Appavu, Advocate, S.R.No.3505

+2cc to M/s.A.Sumathi, Advocate, S.R.No.3475

+1cc to the Government Pleader, S.R.No.3986

WP.No.5523 of 2017

RR(CO)
KKV/03/02/2022