IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.28623 of 2022

G.Vallarasi ... Petitioner

Vs.

The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Salem. ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to conduct an enquiry and pass appropriate order based on the petitioner's representation dated 12.09.2022 made to the respondent within the time limit stipulated by this Court.

For Petitioner : Mr.K.Sannjay

For Respondent : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondent to conduct an enquiry and pass appropriate order based on the petitioner's representation dated 12.09.2022 made to the respondent within the time limit stipulated by this Court.

2. The case of the petitioner is that, on 03.12.2012, she had purchased the property of an extent of 0.04 ½ cents comprised in S.No.4 from one Mr.K.C.M Raju as first item and 0.04 cents as item No.2 comprised in S.No.80/2A from R.Pushpa, for a valuable consideration through a sale deed, vide Doc.No.4021 of 2012 and the same was registered before the Sub Registrar Office, Salem. Subsequent to the execution of the said deed, the petitioner is in peaceful possession and enjoyment of the said property. When the petitioner approached the concerned Revenue Authorities for issuance of Patta for the above said first item of land, the authorities have not issued the Patta in her favour, as the Survey Number in the Sale Deed is wrongly mentioned as "4" instead of "80/4". The grievance of the petitioner is that, because of the wrong entry made in the Sale Deed, the petitioner could not be able to sell the property. Therefore, the petitioner made a representation dated 12.09.2022 before the respondent, seeking to carry-out the necessary correction in the sale deed of the petitioner. Since the said representation was not considered by the respondent, the petitioner filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that it would

suffice, if this Court issues a direction to the respondent to consider the petitioner's representation dated 12.09.2022 and pass orders on the same within a stipulated time frame that has to be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondent submitted that a wrong entry was made with respect to the survey number in the sale deed, dated 03.12.2012, which has to be rectified only by way of rectification deed and the Revenue Divisional Officer has no power to make entries in the Sale Deed purchased by the petitioner. Accordingly, he prayed for dismissal of the Writ Petition.

5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner purchased the aforesaid property in the year 2012, vide Doc.No.4021 of 2012. The grievance of the petitioner is that, the survey number has been wrongly mentioned as "4" instead of "80/4". For rectification of mistake that had crept in the sale deed, the petitioner made a

representation before the respondent/Revenue Divisional Officer. However, the facts remains that the Revenue Divisional Officer has no power to rectify the defect crept-in, in the sale deed of the petitioner. In the absence of any provision for correcting the survey number, no mandamus can be issued. Hence, the prayer sought for in this Writ Petition cannot be granted.

7. Accordingly, the Writ Petition is dismissed, granting liberty to the petitioner to work out her remedy in the manner known to law. No costs.

31.10.2022

Index : Yes / No
Speaking order : Yes/ No
jd

To

The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Salem.

M.DHANDAPANI, J.

jd

W.P.No.28623 of 2022

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