



W.P.No.31719 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.31719 of 2022

P.Radha

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of Revenue Divisional,
Thirukoyulur.

2.The Tahsildar,
Ulundurpettai Taluk,
Kallakurichi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to re-survey and rectify the extent of land in Patta No.328 in S.No.29/3C, 29/3F, 29/3J and in S.No.29/3 of Periyapatti Village, Thirunavallur Sub Registration District, Cuddalore Registration District of an extent of 106 cents as per Partition Deed in Doc.No.84/1984 in SRO, Thirunavallur on stipulate time as fixed by this Court.

For Petitioner	:	Mr.T.Gnana Banu
For Respondents	:	Mr.U.Bharanidharan Additional Government Pleader



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ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to re-survey and rectify the extent of land in Patta No.328 in S.No.29/3C, 29/3F, 29/3J and in S.No.29/3 of Periyapatti Village, Thirunavallur Sub Registration District, Cuddalore Registration District of an extent of 106 cents as per Partition Deed in Doc.No.84/1984 in SRO, Thirunavallur on stipulate time as fixed by this Court.

2. The case of the petitioner is that the petitioner obtained the aforesaid properties by way of partition deed between himself and his brother, and the same was registered in Doc.No.184/1984 on the file of Sub Registrar Office, Thirunavallur. Subsequent to the execution of the said deed, the petitioner is in absolute possession of the aforesaid properties. While so, the petitioner applied for patta in respect of aforesaid survey numbers for an extent of 106 cents but the respondent had issued Patta, vide Patta No.328 only for the extent of “95 ½” cents instead of “106” cents. The grievance of the petitioner is that, there is a shortage of “11½” cents as per the partition deed in the patta. Meanwhile, the



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petitioner had executed a settlement deed, dated 04.04.2022, vide Doc.No.824/2022 as per Patta in favour of his daughter. Thereafter, the petitioner made a representation dated 15.09.2022 before the respondents, seeking to re-survey and rectify the extent of the aforesaid properties that had crept in Patta No.328. Since the said representation was not considered by the respondents, the petitioner had filed the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the second respondent to consider the petitioner's representation dated 15.09.2022 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 above, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider



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the petitioner's representation dated 15.09.2022 and pass appropriate orders in terms of Section 10 of the Tamil Nadu Patta Passbook Act, 1983 on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and other aggrieved person if any, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observations and direction, this Writ Petition is disposed of. No costs.

28.11.2022

Index: Yes/No
Speaking Order : Yes/ No
jd

To

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M.DHANDAPANI, J.

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