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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.35457 of 2019

S. Rajendran ...Petitioner

Vs

1.The District Collector,
Chennai District.

2.The District Revenue Officer,
Chennai.

3.The Revenue Divisional Officer,
Chennai.

4.The Assistant District of Survey and Settlement,
Survey and Settlement Department,
Collectorate Office,
Chennai.

5.The Tahsildar,
Sholinganallur Taluk,
Chennai District. ...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the representation of the petitioner dated 22.02.2019 to rectify the error committed with respect to the extent and father's name in the computerised patta for petitioner's plot No.41, Enjambakkam Village (Previously No.116), Tambaram Taluk, Kancheepuram District (formerly Saidapet Taluk, Chengalpattu MGR District), Vettuvankeni, now Sholinganallur Taluk, Chennai District, forthwith within the time stipulated by this Court.

For Petitioner : Mr.T.N.Rajagopalan

For Respondents : Mr.S.Rajesh
Government Advocate

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ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to consider and pass orders on the representation of the petitioner dated 22.02.2019 to rectify the error committed with respect to the extent and father's name in the computerised patta for petitioner's plot No.41, Enjambakkam Village (Previously No.116), Tambaram Taluk, Kancheepuram District (formerly Saidapet Taluk, Chengalpattu MGR District), Vettuvankeni, now Sholinganallur Taluk, Chennai District, forthwith within the time stipulated by this Court.

2. Heard, Mr.T.N.Rajagopalan, learned counsel appearing for the petitioner and Mr.S.Rajesh, learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that the petitioner purchased a Plot No.41 comprised in survey No.186 Part, New survey No.186/9 as per patta No.1653 to an extent of 2400 sq.ft situated at Enjambakkam Village, Tambaram Taluk, Kancheepuram District, by a registered sale deed dated 21.12.2001 vide document No.3350 of 2001 from one S.Chandrasekaran, represented by his Power Agent. In fact, the patta was granted to the petitioner's vendor to an extent of 2400 sq.ft. The “A” Register and other revenue records also mentioned the extent of the land as 2400 sq.ft.

4. After purchase, the petitioner applied for patta and the petitioner was granted patta in patta No.1653. However, the extent of the land has been wrongly mentioned as 2.00 ares instead of 2.23 ares. The petitioner came to know that the then software in the Revenue Department did not allow approximation in decimals and hence all plot owners were given the same extent in ares as 2.00 ares approximating to the nearest decimal being 0.5 or corresponding whole number as the case may be.

5. Therefore, the petitioner submitted a representation to the third and fifth respondents herein to rectify the extent in the patta. The fifth respondent, after conducting enquiry, sent a letter to the third respondent on 11.07.2019, on receipt of the reports from the Village Administrative Officer, Revenue Inspector and the Deputy Tahsildar after having conducted a detailed survey along with a surveyor's report stated that an error has been occurred while updating the extent in the computer for issuance of patta and it has to be rectified. In spite of the report, the fifth respondent failed to rectify the error occurred in the patta.

6. A perusal of the counter filed by the fifth respondent reveals that the 2400 sq.ft of land comprised in survey No.186/9, Enjambakkam Village actually equivalent to 223 sq.mts. As per conversion table issued by the Central

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Survey Officer, the extent was furnished only as 200 sq.mts. It had already been held by the Assistant Director of Survey that in all such cases, while converting the extent to Metric System, the extent was furnished as per the conversion table issued by the Central Survey Office and that this error could be rectified only during Town Survey.

7. The learned Government Advocate also pointed out that similar type of cases, even after direction issued by this Court, an error was not able to rectify and the party concerned filed Contempt Petition before this Court. In the Contempt Petition, this Court recorded the submission made by the respondents that the error could be rectified only during Town Survey of the village.

8. In view of the above, the fourth respondent is directed to conduct Town Survey in respect of the subject property, after obtaining necessary orders from the Government of Tamil Nadu. The Government of Tamil Nadu is directed to pass necessary orders to conduct Town Survey in respect of the area, which is not conducted Town Survey already. Thereafter, the fifth respondent is directed to rectify the error committed with respect to the extent in the computerised patta for the petitioner's plot situated in plot No.41, Enjambakkam Village (Previously No.116), Tambaram Taluk, Kancheepuram District, forthwith and issue patta in favour of the petitioner.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The District Collector,
Chennai District.

2.The District Revenue Officer,
Chennai.

3.The Revenue Divisional Officer,
Chennai.

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4.The Assistant District of Survey and Settlement,
Survey and Settlement Department,
Collectorate Office,
Chennai.

5.The Tahsildar,
Sholinganallur Taluk,
Chennai District.

+2ccs to Mr.T.N.Rajagopalan, Advocate SR. No.5793
+1cc to Government Pleader SR. No.6409

W.P.No.35457 of 2019

PMK (CO)
PR (14/03/2022)

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