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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 08.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25300 of 2022

Innasi Servai

..Petitioner

Vs

1.The Inspector General of Registration,
100, Santhome Road,
Pattinapakkam,
Chennai – 600 028.

2.The Joint Sub-Registrar No.II,
Office of the Sub-Registrar,
Dindigul.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to rectify the survey number as 39/9B and the boundaries to the survey no 39/9B instead of Survey Number 39/10B to an extent of 28 cents situate at Kumampatti Village vide document No.419 of 1985 which has been registered in the Office of the second respondent by considering the representation of the Petitioner, dated 30.08.2022 within the time frame fixed by this Court.

For Petitioner :Mr.S.Karthikeyan

For Respondents:Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus



directing the respondents 1 and 2 to rectify the survey number as 39/9B and the boundaries to the survey no 39/9B instead of Survey Number 39/10B to an extent of 28 cents situate at Kumampatti Village vide document No.419 of 1985 which has been registered in the Office of the second respondent by considering the representation of the Petitioner, dated 30.08.2022 within the time frame fixed by this Court.

2.Mr.K.S.Selvaganesan, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that Petitioner is aged about 85 years and took care of by his children. On 4.3.1985, the Petitioner had purchased a property from one Meenatchiyammal, wife of Palanichamy Servai and her brother one Kangaraj of Kummampatti Village, Dindigul District in S.No.39/9B measuring an extent of 28 cents vide Doc. No.419 of 1985.The said property was sold by the said Kanagaraj, for himself and on behalf of her minor son one Marimuthu, aged about 11 years at the time of registration and at the time of registration, registration Number has been wrongly mentioned as S.No.39/10B instead of S.No.39/9B in the revenue records and S.No.39/10B belongs to one Santhakaruppu and Dhanalakshmi.From the date of purchase, the Petitioner was in possession and enjoyment of the said property.Before three years only, the Petitioner



came to know that the survey number has been wrongly mentioned as 39/10B instead of S.No.39/9B in the sale Document No.419 of 1985.

Hence the Petitioner and his son approached his vendor, however, they have demanded a sum of Rs.2 lakhs for rectification. Hence the Petitioner submitted a representation on 17.2.2020 to the District Collector, Dindigul for rectification of the same and the same has been forwarded to the second respondent for necessary action. But till date, no steps have been taken. As per umpteen number of decisions in this regard, the respondents have the powers to rectify the deed and the boundaries of the properties. Since no action was taken, the Petitioner has filed this Writ Petition for the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the respondents have no powers to rectify the sale deed and the boundaries thereon, as sought for in the Writ Petition and has prayed for dismissal of the Writ Petition.

5. If there is any typographical error, the same can be rectified by executing a rectification deed in respect of the said survey number. There is no charge or fees for the same. But here is a case where the Petitioner and his son approached his vendor for rectification, who in-turn had demanded a sum of Rs.2 lakhs for the same. However, it is for the Petitioner to rectify the same, by producing a rectification deed obtained



from his vendor and this Court invoking the Writ Jurisdiction under Article 226 of Constitution of India, cannot be appropriate and hence the Writ Petition is liable to be dismissed.

6. In view of the above discussion, the Writ Petition is dismissed. No costs. It is left open to the Petitioner to approach the appropriate forum for rectification of the sale deed in question with relevant documents such as Rectification Deed and rectify the same, in the manner known to law, if so advised.

08.11.2022

Index : Yes/No

Internet: Yes/No

vsn

To

1. The Inspector General of Registration,
100, Santhome Road,
Pattinapakkam,
Chennai – 600 028.

2. The Joint Sub-Registrar No. II,
Office of the Sub-Registrar,
Dindigul.



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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.25300 of 2022

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