



W.A.No.3325 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.11.2023

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THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.A.No.3325 of 2023

P.Vimala Reddy

.. Appellant

Vs.

1.The Principal Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2.The Tahsildar,
Aminjikarai Taluk, Aminjikarai,
Chennai – 600 030.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the
order dated 25.02.2022 passed in W.P.No.3985 of 2022 on the file of this
Court.



For Appellant : Mr.P.Subba Reddy

For Respondents : Mr.Muthukumar, Govt. Pleader

JUDGMENT

[Judgment of the Court was delivered by R.MAHADEVAN, J.]

By consent of both the parties, this writ appeal is taken up for final hearing today.

2.This writ appeal has been filed by the appellant challenging the order dated 25.02.2022 passed by the learned Judge in W.P.No.3985 of 2022.

3. The necessary facts leading to the filing of this appeal would run thus:

The appellant is the owner of the land and building situated at Old Door No.21, New Door No.63/78, Gajapathy Naidu Street, Shenoy Nagar, Chennai, comprising in Old S.No.36/1, R.S.No.37, Aminjikarai Village, Aminjikarai Taluk, Chennai - 600 030, measuring an extent of North to



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South 74 ft, and east to West 79'3 ft / 3920 sq.ft. The said property was purchased by way of a sale deed dated 31.03.1980 and registered under Doc.No.45 of 1980, on the file of SRO, Periyamedu from one P. Gajendra Rao and 15 others. The grievance of the appellant was that while purchasing the above said property, the measurement of the land was inadvertently given by them as 3920 sq.ft instead of 7200 sq.ft, but the linear measurements of all four sides were rightly given as 97.3 x 74 ft. The mistake in the place of measurement occurred only due to oversight. However, in the parent document, a settlement dated 28.06.1951, registered as Doc.No.2270 of 1951, on the file of the Registrar of Madras, Chengalpet District, the extent of the land was given as North to south 74 ft and east to west 97'3 feet. Hence, according to the appellant, the said document had a clear mention of the extent of the property. Pointing out the same, the appellant made a representation to the respondents on 19.01.2022, requesting to issue a NOC for the land mentioned above for the grant of patta after making necessary corrections in the place of the extent of the property. Since the said representation was kept pending without any consideration, the appellant filed the writ petition No.3985 of 2022 to



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consider her representation for issuance of NOC for granting corrected patta indicating the extent of the property connected therewith. However, the learned Judge dismissed the writ petition, granting liberty to the appellant to workout the remedy in the manner known to law, by the order impugned herein. Therefore, the writ appeal came to be filed by the writ petitioner.

4.The learned counsel appearing for the appellant submitted that the appellant is in possession of the required documents so as to claim patta in her name and on furnishing such documents before the authorities, the authorities may decide the same on merits and therefore, the prayer sought by the appellant cannot be found fault with. The learned counsel further submitted that the learned Judge, instead of directing the authorities to consider the representation of the appellant, dismissed the writ petition and hence, this writ appeal has been preferred.

5.The learned Government Pleader appearing for the respondents fairly submitted that if the matter is remitted to the respondents, necessary action will be taken and appropriate orders will be passed on merits within a



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time to be stipulated by this court.

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6.Considering the facts and circumstances of the case and also in view of the submissions made by the learned counsel on either side, we set aside the order dated 25.02.2022 passed by the learned Judge in W.P.No.3985 of 2022 and remit the matter to the authorities to consider the representation of the appellant along with the documents and materials filed along with the representation and pass appropriate orders purely on merits and in accordance with law. Such an exercise shall be completed by the respondent authorities within a period of eight weeks from the date of receipt of a copy of this order.

7.This writ appeal stands allowed to the extent as indicated above.

No costs.

[R.M.D.,J.] [M.S.Q., J.]
29.11.2023

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation: Yes / No

nsd

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R.MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

nsd

To

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