



W.P.No.29200 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29200 of 2023

and

W.M.P.No.28798 of 2023

1.N.Chellammal
2.D.Anandhi
3.D.Rajasekar
4.D.Rukmangathan
5.M.Poongodi

... Petitioners

versus

1.The District Collector,
Tiruvallur District.

2.The Revenue Divisional Officer,
Tiruvallur Revenue Division,
Tiruvallur District.

3.The Tahsildar,
Tiruvallur Taluk,
Tiruvallur District.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India,
to issue a Writ of Mandamus, to direct the first respondent to consider the



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representation of the petitioner dated 23.12.2021 and consecutively direct the respondents to correct the extent of survey No.60/1F as "0-30.00 Ares" instead of "0-3.00 Ares" in Patta No.445.

For Petitioners : Mr.K.S.Harish

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioners dated 23.12.2021, wherein and whereby, they sought to correct the extent of survey No.60/1F as "0-30.00 Ares" instead of "0-3.00 Ares" in Patta No.445.

2. According to the petitioners, one K.Natesa Naicker purchased the land measuring an extent of 69 cents in S.No.60/1 by virtue of a registered sale deed dated 04.11.1970 vide Doc.No.3328/1970 at SRO, Tiruvallur and he has also obtained Patta No.445 in his favour. Subsequently, the same was sub divided as S.No.60/1F. However, in the said Patta, the extent was



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wrongly mentioned as "0-3.00 Ares" instead of "0-30.00 Ares". Hence, the said K.Natesa Naicker made several representations to the authority concerned to rectify the mistake occurred in the Patta, but he was unable to succeed in his efforts and died on 26.07.2012. During the life time, the said K.Natesa Naicker, has settled 48 cents out of 69 cents to his son N.Datchinamoorthy and the remaining 21 cents to his grand daughter Poongodi/5th petitioner. Since the said N.Datchinamoorthy died intestate on 02.12.2019 leaving 1st to 4th petitioners herein as his legal heirs, the petitioners 1 to 4 are the owners of the above 48 cents of said land. Hence, the petitioners, who are the joint and absolute owners of the said subject land approached the authority concerned for issuance of new Patta, but the authority concerned failed to receive their application stating that extent was wrongly mentioned in Patta No.445. Therefore, the petitioners have given a representation dated 23.12.2021 to the first respondent to correct the mistake occurred in respect of extent in Patta No.445, However, no action has been taken so far. Hence, the petitioners are before this Court.

3. The learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the third respondent to consider the



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representation of the petitioners and rectify the mistakes occurred in Patta No.445.

4. When the matter was taken up for hearing on 09.10.2023 and 19.10.2023, at the request of the learned Special Government Pleader appearing for the respondents, this writ petition was adjourned for filing counter affidavit.

5. Today, when the matter is taken up for hearing the learned Special Government Pleader appearing for the respondents produced a copy of the counter affidavit of the third respondent and relevant paragraphs are paragraph Nos.7 and 8 and the same reads as follows :

"7. It is submitted that the land owners of sub-division as Survey No.60 as noted at para no.3 above have since been directed to attend the survey of the above 27 sub-division to be conducted under the supervision of the Deputy Inspector of Survey, Tiruvallur on 28.11.2023 so as to submit a detailed report on the request of the petitioner in Appendix – XV as completed in para 7 of Chapter II of Chain survey and land records manual, para



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-11 to the District Revenue Officer, Tiruvallur through the second respondent. Soon after the completion of survey posted on 28.11.2023 and obtaining the signatures of the land owners of 27 sub-divisions in the survey number 60 with regard to the alteration of the registered area in respect of the survey number 60/1F from 0.03.00 hectares to 0.28.00 hectares as per the measurements recorded in FMB for the sub-division no.60/1F. It is not possible for the mobilisation of all the land owners of the above 27 sub-division on 28.11.2023 and completion of survey all the sub-division on the above day itself. Hence survey work has to be necessarily conducted in three or four instances.

8. It is submitted that a four months of time is essentially required to pass orders on the request of the pattadar by strictly following the procedure laid in para 7 of Chapter II of the above Chain survey manual.

6. It is seen that the survey in respect of the subject land is under process, therefore, the respondents are directed to complete the survey and pass appropriate orders on merits and in accordance with law, after giving



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notice to all the interested parties/rival claimants if any, within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

8. W.M.P.No.28798 of 2023 is ordered on payment of separate Court fees by each of the petitioners.

16.11.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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P.VELMURUGAN, J.

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Pg.Nos.8/8