



WEB COPY

WP No.1190 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.1190 of 2017

S.Shivaprakasam

... Petitioner

Vs.

1.The District Collector,
Thiruvallur District.

2.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

3.The Tahsildar,
Uthukottai,
Thiruvallur District.

4.The Inspector,
Land Survey Records Department,
Thiruvallur District.

5.The Deputy Inspector,
Land Survey,
Uthukottai Circle,
Thiruvallur.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.7761/2014/B1 dated 01.04.2016 quash the same and further direct the respondents to rectify the errors occurred in the FMB Sketch pertaining to the petitioner's property situated in Pennalurpet Village of Uthukottai Taluk bearing Survey No.244/2B measuring to an extent of 3.83 acres.

For Petitioner : Mr.P.Rajkumar Pandian
For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate.

ORDER

The order impugned dated 01.04.2016 passed by the third respondent to change the certificate number in FMB Sketch wrongly mentioned in the revenue records, is under challenge in the present writ petition.

2. The petitioner states that he is the absolute owner of the



property situated in Pennalurpet Village of Uthukottai Taluk, bearing Survey No.244/2B measuring to an extent of 3.83 acres.

WEB COPY

3. The petitioner purchased the subject property from one Tmt.Bhagyammal, her son Mr.Sekaran and her daughter Tmt.Jayalakshmi by way of a Sale Deed dated 02.07.2008 vide registered document No.1894 of 2008.

4. The petitioner states that he possessed all the documents, including, Patta, Adangal and Chitta. In FMB Sketch wrong Certificate Number has been mentioned as Document No.244/2A instead of Document No.244/2B. Moreover, the dimensions noted in the FMB Sketch denoting the measurement of the subject property are also in correct. The dimensions 76.0 meters and 44.0 meters were found to be tampered to reduce the area of 244/2B to 3.6 acres instead of 3.83 acres.

5. In order to correct the above mistakes in the FMB Sketch and the dimensions, the petitioner submitted an application before the Tahsildar, Uthukottai. Thereafter, the petitioner filed WP No.19887 of 2015



and this Court directed the Authorities to pass appropriate orders by conducting an enquiry. Thereafter, the Tahsildar conducted an enquiry by affording an opportunity to the writ petitioner as well as the opposite party one Tmt.Saraswathi and group.

6. After conducting an enquiry, the Tahsildar made a finding that re-fixing the correction of boundarites/dimensions or change of Certificate Number, in the present case, cannot be done and if at all such corrections are to be carried out. The petitioner has to register the Rectification Deed, since the original Sale Deed contains the erroneous Certificate Number.

7. Such disputed facts cannot be adjudicated either before the Revenue Authorities or before the Writ Court. Those disputed facts regarding the boundaries are to be adjudicated before the Competent Civil Court of Law.

8. No doubt, an error can be corrected by the Authorities Competent. But in the present case, the Tahsildar conducted a detailed



enquiry between Tmt.Saraswathi and group with some objections for these corrections. when there is an objection from Tmt.Saraswathi and group of persons, then it is to be considered as disputed issue and therefore, the petitioner has to redress his grievances by approaching the Competent Civil Court of Law. If at all the error apparent is noticed and there is no objection for correction of the errors, then the Revenue Authorities can correct the same.

9. However, in the present case, there is an objection from one Tmt.Saraswathi and group and therefore, the decision taken by the Authorities in relegating the writ petitioner to approach the Competent Civil Court of Law, which is in consonance with the principles settled, despite the fact that they participate in the enquiry proceedings conducted by the Tahsildar, Uthukottai.

10. This being the factum, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of redressal of his grievances.



11. With the above liberty, the writ petition stands disposed of.

However, there shall be no order as to costs.

WEB COPY

06-07-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn



To

1. The District Collector,
Thiruvallur District.
2. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
3. The Tahsildar,
Uthukottai,
Thiruvallur District.
4. The Inspector,
Land Survey Records Department,
Thiruvallur District.
5. The Deputy Inspector,
Land Survey,
Uthukottai Circle,
Thiruvallur.

WP No.1190 of 2



WEB COPY



WEB COPY

WP No.1190 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 1190 of 2017

06-07-2023