



W.P.No.33442 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.33442 of 2023

and

W.M.P.No.33207 of 2023

1. Hari Babu

2. Kala

3. Krishnan

4. Mariappan

... Petitioners

Versus

1. The District Collector,
Kanchipuram District,
Kanchipuram.

2. The Revenue Divisional Officer,
Sriperumbudur Division,
Kanchipuram District.

3. The Tahsildhar,
Kundrathur Taluk Office,
Kundrathur Taluk, Kanchipuram District.

4. The Revenue Inspector,
Padappai Village,
Kolaikari Street, Paddapai,
Kundrathur Taluk, Kanchipuram
District – 601 301.

5. The Village Administrative Officer,
Padappai Village,
Kolaikari Street, Paddapai,
Kundrathur Taluk,
Kanchipuram District 601 301.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to approve and issue patta to the Petitioner's representation dated 30.03.2023 taken on file in COLKPM/2585/2023-B3 dated 20.04.2023 with reference to the Petitioner's inherited ancestral property situated in R.S.No. 365 measuring 4 acres at Kanchipuram District, Kundrathur Taluk Paddapai Village, Keel-paddapai by fixing an outer time limit.

For Petitioners : Mr. R. Dakshina Murthy
For Respondents : Mr. P. Gurunathan,
Additional Government Pleader.

ORDER

This Writ Petition has been filed seeking to issue a Writ of Mandamus directing the 1st and 2nd respondents to approve and issue patta to the Petitioner's representation dated 30.03.2023, taken on file in COLKPM/2585/2023-B3 dated 20.04.2023, with reference to the Petitioner's inherited ancestral property situated in R.S.No. 365 measuring 4 acres at Kanchipuram District, Kundrathur Taluk Paddapai Village, Keel-paddapai by fixing an outer time limit.



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2. The short gist of the case is that one Mrs.Muruammal acquired lands to an extent of 7 acres and 39 cents by way of a registered sale deed dated 27.11.1920 vide Doc.No.3664 of 1920 on the file of the Sub-Registrar, Tambaram. Thereafter, the said Mrs.Muruammal sold one acre to one Mr.Munuswamy on 26.6.1943 vide doc.No.2445 of 1943 on the file of the Sub-Registrar, Tambaram. Subsequently, the said Mrs.Muruammal along with her son one Mr.Kanni (a) Kanniappan sold 2 acres and 39 cents to one Mr.Ramanathan Mudaliar on 15.7.1945 vide doc.No.2378 of 1945 on the file of the Sub-Registrar, Tambaram. The only legal heir of the said Mrs.Muruammal is the said Mr.Kanni @ Kanniappan, who left behind his two sons as legal heirs namely, Mr.Gajapathi and Mr.Mariappan, who is the fourth petitioner herein. The said Mr.Gajapathi died intestate and his legal heirs are petitioners 1 to 3.

3. The claim of the petitioners is as follows :

(i) Out of the total extent of 6 acres 39 cents of land, in the year 1945, the said Mrs.Muruammal sold only 2 acres and 39 cents to the said Mr.Ramanathan Mudaliar. A few years later, the petitioners came to know that in the sale deed dated 15.7.1945, the extent of property was wrongly



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mentioned as 6 acres 39 cents instead of mentioning as 2 acres 39 cents and this continued till 1977.

(ii) For rectifying the error occurred in the RH Records, the petitioners filed W.P.No.20731 of 2022 seeking a direction to pursue records of the Sub Registrar, Tambaram, dated 05.9.2017 in Na.Ka.No. 288/2017 as well as the records of the Additional Registrar General, Chennai-35 and the District Registrar, South Madras, Chennai-35 in letter No. 08/ A-2/ 2022, dated 4.01.2022 and letter No. 795/E1/ 2021 dated 19.01.2022, pertaining to carry out the error correction in RH Records to 2 acres and 39 cents instead of the existing 6 acres and 39 cents directing the respondents R-2 to complete the process/ proceedings and pass final orders in respect of the alteration to be carried out in RH by fixing an outer time limit and the same was disposed of on 12.8.2022 directing the District Registrar, South Madras, Chennai-35 to implement the order of the Sub-Registrar, Tambaram dated 05.09.2017 within a period of twelve weeks from the date of receipt of a copy of that order.

(iii) Since no action has been taken by the second respondent, the first petitioner made representations dated 20.12.2022 & 30.03.2023 to the first respondent. Though the said representation dated 30.3.2023 was taken



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on file Vide COLKPM/2585/2023-B3 dated 20.04.2023, till date, the rectification has not yet been done. Hence the Writ Petition.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioners submitted that it would be sufficient if a direction is issued to respondents 1 and 2 to consider the memo dated 20.04.2023, which was issued by the first respondent based on the first petitioner's representation dated 30.03.2023, within a stipulated time as may be fixed by this Court.

5. Mr.P.Gurunathan, learned Additional Government Pleader, appearing for the respondents submitted that respondents 1 & 2 may be directed to consider the first petitioner's representation and pass orders on merits and in accordance with law within a stipulated time as the case may be.

6. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the petitioners, without expressing any opinion with regard to the merits of



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the case, this Court directs respondents 1 & 2 to consider the first petitioner's representation dated 30.03.2023, conduct an enquiry in a manner known to law and pass orders on merits and in accordance with law after giving notice and an opportunity of hearing to the petitioners, the adjacent land owners of the subject property and interested parties/ rival claimants if any, within a period of two 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. Consequently, W.M.P.No.33207 is ordered on payment of separate Court fee by each of the petitioners.

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Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No

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P. VELMURUGAN, J.

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