



W.P(MD)No.26877 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26877 of 2023

and

W.M.P.(MD)No.23097 of 2023

1.B.Dhanasekaran

2.P.Meenambal

3.P.Vijayalakshmi

4.K.Vasanthi

5.S.Fathima

6.Pandiyammal

... Petitioners

Vs.

1.The Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai – 5.

2.The Director of Land Survey and Settlement,
Chepauk, Chennai.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

4.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.



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5.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

5.The Tahsildar,
Paramakudi Taluk,
Paramakudi,
Ramanathapuram District.

... 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 to rectify the mistake in the revenue records morefully in the 'A Register' in S.No.94/2, new T.S.No.13/2, Block No.3, Ward - A situated at Manjalpattinam, Emaneswaram Village, Paramakudi Town, Ramanathapuram District and consequently directing the respondents to issue patta in favour of the petitioner on the basis of sale deed vide document No.532/1952 dated 03.04.1952.

For Petitioner : Mr.B.Saravanan, Senior Counsel,
For Mr.C.Jeganathan.

For Respondents : Mr.M.Prakash,
Addl. Government Pleader.

ORDER

Heard learned senior counsel for the writ petitioners and the learned Additional Government Pleader for the respondents.

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2.The writ petitioners are descendants of one Ponnusamy Pillai and Sethu Pillai. They had purchased a piece of property vide Document No.532/1952 registered on the file of the Sub Registrar, Paramakudi.

3.The petitioners seek patta in respect of S.No.94/2 which has been classified as “river” in the revenue record. The petitioners therefore want the same to be corrected. Unless the correction is done, patta cannot be issued. They therefore represented to the second respondent in this regard. Since the second respondent had not taken any action, the present writ petition came to be filed.

4.When the matter was taken up for hearing, the learned Additional Government Pleader pointed out that in Document No.532/1952 what has been mentioned is S.No.92/1 and that unless the same is rectified, the petitioners' request cannot be accepted.

5.I am of the view that this is a tall order. Rectification of a document can be done only by the parties to the document. Obviously, in this case, they would not be alive.



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6.It is well settled that if the survey number mentioned in a document is erroneous, that would not affect the title of the parties, if the property can be otherwise identified. Therefore, this objection may not have much of force.

7.The learned Additional Government Pleader then contended that patta cannot be issued in respect of water body. The stand of the learned senior counsel for the writ petitioner is that the property was originally classified as “tharisu” and it was mistakenly mentioned as “river” later.

8.I do not want to go into this aspect of the matter. It is for the authority to consider the petitioners' request.

9.The second respondent is directed to hold an enquiry on the petitioners' representation. The second respondent will call for report. After considering the materials on record and if necessary after hearing the petitioners' representative in person, final order on merits and in accordance with law will be passed by the second respondent



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regarding reclassification of S.No.94/2. If the second respondent accepts the case of the petitioners and reclassifies S.No.94/2 as sought for by the petitioners, the petitioners can thereafter approach the jurisdictional Tahsildar for issuance of patta. The second respondent shall dispose of the matter within a period of five months from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. The only clarification that I have given is that the authorities will not insist on effecting rectification in Document No.532/1952 before considering the petitioners' representation.

10.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

08.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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To:-

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