



WEB COPY



W.P.No.739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.739 of 2024

Vishnu Priya

... Petitioner

Versus

The Tahsildar,
Aminjikarai Taluk,
1st Main Road, Shenoy Nagar,
Chennai – 600 030.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to consider the petitioner's representation dated 11.12.2023 for re-issuance of patta by rectifying the error in the survey plan sketch matching with original survey plan issued by the Tamil Nadu Housing Board (TNHB) at the time of sale deeds executed by TNHB to the petitioner vendors in respect of the petitioner land measuring about 4 ares and 4.60 sq.mt. i.e., 4800 sq.ft. (As per Patta) situate in Block No.H, Old S.No.9/2 (part) T.S.No.81/9 (part) and New T.S.No.81/2, Thiru Vi Ka Colony, Periyakudal Village, Anna Nagar, Chennai – 600 040.

For Petitioner : Mr. M. Narayanaswamy

For Respondent : Mr. R.U. Dinesh Rajkumar
Special Government Pleader

ORDER



W.P.No.739 of 2024

WEB COPY This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 11.12.2023 for re-issuance of patta by rectifying the error in the survey plan sketch matching with original survey plan issued by the Tamil Nadu Housing Board (TNHB) at the time of sale deeds executed by TNHB to the petitioner vendors in respect of the petitioner's land measuring about 4 ares and 4.60 sq.mt. i.e., 4800 sq.ft. (As per Patta) situate in Block No.H, Old S.No.9/2 (part) T.S.No.81/9 (part) and New T.S.No.81/2, Thiru Vi Ka Colony, Periyakudal Village, Anna Nagar, Chennai – 600 040.

2. The petitioner claims ownership of the property in Anna Nagar, Chennai, acquired through a registered sale deed from previous owners. The property originally had four flats constructed by the Tamil Nadu Housing Board (TNHB). During the sale, TNHB failed to specify the exact undivided share of land in the original deeds, but, later rectified it through four additional deeds. The petitioner purchased all four flats through a single registered sale deed Doc.No.3927 of 2022, dated 29.07.2022 on the file of the Sub-Registrar, Anna Nagar and received a Patta on 01.09.2022. However, a discrepancy was found in the measurements mentioned in the



W.P.No.739 of 2024

WEB COPY

Patta's survey plan sketch, which differed with the original TNHB sketch provided to the vendors during the sale. The petitioner asserts that approximately 460 sq.ft. of the land is affected due to this error, which prevents further construction. Hence, a representation was sent to the respondent on 11.12.2023, requesting an inspection and correction of the Patta. Despite the representation, the respondent has not addressed the issue or re-issued the Patta. Hence, the Writ Petition.

3. The learned counsel for the petitioner submitted that it would suffice if a direction is issued to the respondent to consider the petitioner's representation dated 11.12.2023 for re-issuance of patta by rectifying the error in the survey plan sketch by comparing with original survey plan issued by the TNHB at the time of sale deeds executed by TNHB to the petitioner's vendors in respect of the petitioner's land in question, within a stipulated time as may be fixed by this Court.

4. Mr. R.U.Dinesh Rajkumar, learned Government Advocate takes notice for the respondent.

5. Having regard to the facts of the case and since this writ petition is filed seeking to issue a simple writ of mandamus to consider the



W.P.No.739 of 2024

WEB COPY

representation, this Court without expressing any opinion with regard to the merits of the case, directs the respondent to consider the petitioner's representation dated 11.12.2023, and issue notice to the petitioner and interested parties/rival claimants/objectors if any, as the case may be and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law and dispose of the petitioner's representation within a period of six months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.

11.01.2024

Index : yes/no
Speaking order : yes/no
Neutral Case Citation : yes/no

klt

To:

The Tahsildar,
Aminjikarai Taluk,



W.P.No.739 of 2024

1st Main Road, Shenoy Nagar,
Chennai – 600 030.



WEB COPY



W.P.No.739 of 2024

P. VELMURUGAN, J.

klt

W.P.No.739 of 2024

11.01.2024