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W.P. No.5126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5126 of 2024

Fathima Mary

... Petitioner

Vs.

1. The District Collector

Thiruvallur District, Thiruvallur

2. The Tahsildar

Ponneri Taluk, Thiruvallur District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to resurvey and rectify the extent of land in Patta No.5028 in S.No.46/2 bearing Old Door No.96, New Door No.22, Nehru Nagar, Kottivakkam Village, Thiruvallur to an extent of 978 sq.ft. as per Sale Deed in Doc.No.266 of 1962 in Joint Sub Registrar, Sembiam on stipulate time as fixed by this Court instead of 458 sq.ft.

For Petitioner : Mr.T.Gnana Banu

For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate



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ORDER

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This Writ Petition is filed seeking to issue a Writ of Mandamus directing the respondents to resurvey and rectify the extent of land in Patta No.5028 in S.No.46/2 bearing Old Door No.96, New Door No.22, Nehru Nagar, Kottivakkam Village, Thiruvallur to an extent of 978 sq.ft. as per Sale Deed in Doc.No.266 of 1962 on the file of the Joint Sub Registrar, Sembiam, instead of 458 sq.ft.

2. The contention of the petitioner is that the petitioner's father had purchased the subject property from one Natarajan by way of registered sale deed in Doc.No.266 of 1962. Thereafter, during his life time, the petitioner's father had orally partitioned his estate between the petitioner and her sister namely Jamuna. Likewise, the petitioner got the above said property and another property was given to her sister. After the demise of her father, the petitioner became the absolute owner of the above said property. Thereafter, the petitioner obtained patta in her favour in Patta No.5028. But as per the above said sale deed, the total extent is 978 sq.ft



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whereas, the 2nd respondent issued Patta only for the extent of 458 Sq.ft.

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Hence, the petitioner made several representation and also paid necessary charges vide e-Challan dated 12.08.2023 for resurvey the property and to rectify the extent of land in the Patta. Subsequently, she also made a detailed representation on 22.01.2024 to the respondents to take necessary action. Still no action has been taken. Hence, the present Writ Petition is filed.

3. Mr.S.J.Mohamed Sathik, learned Government Advocate takes notice for the respondents.

4. Having regard to the submissions made by the learned counsel on either side and since this writ petition is filed seeking a simple writ of mandamus to resurvey and rectify the extent of land in the Patta, this Court without expressing any opinion with regard to the merits of the case, directs the respondents to consider the petitioner's application/representation and issue notice to the petitioner, adjacent land owners of the four boundaries of the subject property and also to the interested



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parties/rival claimants/objectors/aggrieved parties if any, as the case may

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be and after issuing notice to all the parties, conduct enquiry in the manner

known to law and pass orders on merits and in accordance with law within

the time as prescribed in the circular No.R1/2005632/2022 dated

17.07.2023 issued by the Commissioner of Land Administration.

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

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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To

1. The District Collector
Thiruvallur District, Thiruvallur
2. The Tahsildar
Ponneri Taluk, Thiruvallur District



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P.VELMURUGAN. J.

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