



W.P.No.18083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.18083 of 2023

and

W.M.P.No.17264 of 2023

1.E.K.Mariappan
2.Gowri

... Petitioners

Vs.

1.The Assistant Director Of Survey
And Land Records,/ P.A. To Collector,
District Land Survey Office,
Chennai-01.

2.The Revenue Divisional Officer,
Tambaram Rdo Office, Gst Road,
West Tambaram, Chennai-45.

3.The Tahsildar,
Sozhinganallur, Chennai-115.

4.The Chief Surveyor
Taluk Officer, Sozhinganallur,
Chennai-115.

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the respondents to consider the representation of the 1st petitioner dated 21.11.2022 for rectification of error in FMB Register in respect of S.No.126/4AI situated in Injambakkam village, Shlinganallur Taluk, Chennai district and demarcate the schedule property expeditiously and to issue the corrected FMB sketch with no further delay and within the time frame fixed by this court or merits and in accordance with law.

For Petitioner : M/s.Revathi Manivannan

For Respondents : Mr.M.R.Gokul Krishnan, AGP
for R.1 to R.4.

ORDER

The limited relief claimed by the petitioners from this Court is for a mandamus directing the respondents to rectify the error in the FMB Register in respect of S.No.126/4AI, situated in Injambakkam Village, Sholinganallur Taluk, Chennai and to demarcate the scheduled property and issue the correct FMB sketch.

2. The contention of the petitioners is that the subject property originally belongs to the 1st petitioner's father, Kumaresan Mudaliar by virtue of a registered partition deed dated 24.08.1980. The said Kumaresan



Mudaliar had discovered that the patta to his land incorrectly denoted that the land jointly belonged to Kannappan and Natrajan. That apart, the extent of the lands were shown as 21 cents instead of 13 cents and the same was also wrongly demarcated in the FMB Sketch. Therefore, on 18.02.2008 a representation was given by the said Kumaresan Mudaliar to the 3rd respondent herein. However, there was no reply.

3. Meanwhile, the petitioner's father, Kumaresan Mudaliar had passed away on 03.08.2010 and the 1st petitioner has been pursuing the above matter. On 09.12.2020, the first petitioner addressed a letter to the District Collector of Kancheepuram, the District Revenue Officer of Kancheepuram, and the second and third respondents herein, requesting corrections to be made in the revenue records, such as patta and FMB sketch. Thereupon, the District Collector, Kancheepuram by order dated 20.12.2010 directed the 3rd respondent to take appropriate action. However, no action was taken constraining the petitioner to file a Writ Petition in W.P.No.37182 of 2015 seeking for a direction to the respondent to consider the representation dated 19.06.2015. This Court on 23.11.2015 had passed an order directing the respondent to consider the representation of the petitioner dated 19.06.2015. Though such an order has been passed



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by this Court, the respondents have not processed the request of the petitioner. Aggrieved by the same, the petitioners have once again filed W.P.No.16035 of 2021. Since the order passed in this writ petition has not been complied with, the 1st petitioner had sent a representation dated 21.11.2022 to the 1st respondent intimating the order of this Court passed in W.P.No.16035 of 2021 dated 03.08.2021 and sought for transfer of patta in the name of the petitioners, rectification of error in FMB register and demarcate the subject property in the FMB sketch. However, the said representation has not been considered to date. Therefore, the above writ petition has been filed.

4. Heard the counsel on either side.

5. Considering the fact that the earlier orders of this Court have not been complied with and the relief claimed by the petitioners are yet to be granted, a Mandamus is issued to the respondents to dispose of the petitioner's representation dated 21.11.2022 within a period of 8 weeks from the date of receipt of a copy of this order.



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6. With the above observations, the Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

27.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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And Land Records,/ P.A. To Collector,
District Land Survey Office,
Chennai-01.

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P.T. ASHA. J.,

(shr)

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