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W.P No.14231 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.No.14231 of 2024

and

WMP.Nos.15417 and 15418 of 2024

1. Mr.Sandip Dang
2. Mrs.Zenobia Irani

... Petitioners

Vs.

The Tahsildar,
O/o.the Tahsildar, Velachery,
Velachery (10) Taluk, Chennai (02) District
Seva Nagar 1st St., Soni Nagar,
Periyar Nagar Extension,
Velacherry, Chennai, Tamil Nadu 600042.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to issue Patta in favour of the petitioners for the correct extent of 2420 Sq.Ft. in Plot No.60 (Door No.26), Teachers Colony, Adyar, Chennai-20, which is the land comprised in R.S.22/1 which corresponds to Town Survey No.31 (Part), 32 (Part) and 25 (Part) and also 33 (Part 1) in Block No.12, 117, Pallipattu Village comprised in Plot No.60 bounded



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on the North by 30 Feet road, on the South by Venkatratnam Nagar, on the East by Plot No.59 and on the West by Plot no.61 notwithstanding the omission of mentioning of Town Survey No.33/1 in the Schedule of the Sale deed of the predecessor's and petitioners title deed No.1311/2004.

For Petitioners : Mr.V.Prakash, Senior Counsel
for Mr.S.Gokul

For Respondent : Mr.U.Baranidharan
Additional Government Pleader

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondent.

2. The petitioners applied to the respondent for issuance of patta in their favour for the petition mentioned plot measuring an extent of 2420 Sq.ft. What led the petitioners to file this Writ Petition is their apprehension that the patta issued by the respondent in their favour would show a lesser extent of 1588 sq.ft. It appears that the petitioners' vendor also had patta only for the aforesaid lesser extent.



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3. The stand of the Tahsildar is reflected in the communication letter dated 24.05.2024, addressed to the Government Pleader which reads as follows:

"The petitioners Mr.Sandip Dang and Mrs. Zenobia Irani have applied online patta application vide reference 1st cited above and filed Writ Petition No.14231/2024 in Hon'ble Madras High Court to pass an order of AD-INTERIM DIRECTION directing the respondent herein to issue a Patta provisionally in favour of the petitioner for Plot No.60 (Door No.26), Teachers colony, Adyar, Chennai - 20.

On perusal of the documents submitted by the petitioner it seems the petitioner got purchased a Plot No.60, Teachers Colony, Adyar for an extent of 2420sq.ft vide sale deed no.1311/04 dated 21.05.2004 registered in Sub-Registrar, Adyar Office. It is mentioned in a schedule of the above sale deed as the petitioner got purchased for an extent of 2420sq.ft. in Revised Survey number R.S.No.22/1, T.S.No.25 pt, 32 pt and 31 pt, Block No.12 of Pallippattu Village.

In this regard, this office Firka Surveyor has conducted a field inspection and submitted report by stating that the applicant patta requested field is located in three distinct Survey Numbers in Velachery Taluk, Pallipattu Village, Block No.12, Town Survey No.32/1, 33/1 pt and 25pt. The above survey numbers registered in Revenue Records as below.

Town Survey No.	25pt	32/1 pt	33/1
Village	Pallippattu	Pallippattu	Pallippattu
Block No	12	12	12
Old Survey	22/1 pt	22/1 pt	22/1 pt



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Town Survey No.	25pt	32/1 pt	33/1
No			
Classification	Sarkar Poramboke	Rayathu Manai	Rayathu Manai
Extent (Hec)	0.18.63.5	0.01.47.5	0.0.36.5
Adangal	-	J.D.Pannalal	J.D.Pannalal
Usage	road	Thalam Veedu	vacant land

It is submitted that the patta application of the petitioner is already processed to issue patta in favour of them for the Town Survey No.32/1 for extent of 0.01.47.5 hec (1588 sq.ft.) and waiting for consent letter from the petitioner to receive patta for the lesser extent.

With regard to Town Survey No.33/1 for extent of 0.0.36.5 hec (393sq.ft.) the petitioner has to submit rectification deed since the above Survey number not mentioned in sale deed. The balance area of the petitioner patta requested field is located in Town Survey No.25 pt and which is registered in the Revenue Records as Sarkar Poramboke and usage as a road. The petitioner may file an appeal petition before the Revenue Divisional Officer, South Chennai Division for obtaining patta for the remaining portion. Without exercising the appeal provisions laid down in the patta passbook Act, the petitioner approaching this Hon'ble Madras High Court for seeking direction to issue a patta without submitting a rectification deed."

4. What has to be seen is that whether the stand taken by the respondent before this Court is sustainable?.

5. The petitioners purchased the petition mentioned Plot No.60 vide



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Sale Deed dated 21.05.2004 from one T.P.S.Sukumaran (Doc.No.1311/2004). The said T.P.S. Sukumranan had inturn purchased the property from one Liza Arunachalam vide Sale Deed dated 27.02.1986. The said Liza Arumugam had inturn purchased the property from one J.D. Pannalal vide Sale Deed dated 23.06.1976. It is seen that Plot No.60 is the part of the layout known as "Teachers Colony".

6. I carefully went through the schedule set out in all the 3 Sale Deeds. In all the 3 Sale Deeds, it has been categorically mentioned that the extent of the plot sold measures one ground; of course there is discrepancy in mentioning the Survey Number. But in all the documents, R.S.No. 22/1 has been measured. It is well settled that the discrepancy in the matter of Survey Number will not affect a person's title and what matters is only the four boundaries. It has been consistently held that boundaries will ultimately prevail over. Therefore, the Respondent ought not to go by the discrepancy in the matter of survey number. It is stated that survey has already been conducted. I therefore direct the respondent to issue patta in favour of the petitioner for petition mentioned plot for an



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extent of 2420 ft, as expeditiously as possible.

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This Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
arr/av

To:-

The Tahsildar,
O/o.the Tahsildar, Velachery,
Velachery (10) Taluk, Chennai (02) District
Seva Nagar 1st St., Soni Nagar,
Periyar Nagar Extension,
Velacherry, Chennai, Tamil Nadu 600042.

G.R.SWAMINATHAN, J.

arr/av

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