



W.P.No.24376 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.24376 of 2024
and
W.M.P.No. 26635 of 2024

G.Palaniammal

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Chengalpattu District,
Chengalpattu - 603001.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Chengalpattu - 603001.

3.The Sub-Collector,
Office of the Sub-Collector,
Chengalpattu District,
Chengalpattu - 603001.

4.The Tahsildar,
Office of the Tahsildar,
Chengalpattu District,
Chengalpattu - 603001.

5.Joginder Singh Ramdass

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records of the 3rd respondent relating to his order in Na.Ka.369/2023/A1 and dated 07.02.2024 and to quash the same and to consequently to conduct a meticulous survey of the petitioner's land at in Old Survey No.389/1B and New Survey No.389A/35 of Chettipunniam Village, Kancheepuram District and the large extent of land wherein it is comprised from the appropriate starting points so as to ensure that the land is properly demarcated in consonance with its documented extent.

For Petitioner : Mr.T.Gowthaman, Senior Advocate for
Dr.S.Karpagapriya

For Respondents : Mr.P.Sathish
Addl. Government Pleader for R1 to R4

ORDER

The petitioner herein, aggrieved by the order passed by the 3rd respondent directing the petitioner to seek rectification of the title document, the petitioner has come by way of this Writ Petition.



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2. According to the petitioner, he purchased 1800 Sq.ft., of land under a registered sale deed dated 24.09.2022 registered as Document No. 13783 of 2022 on the file of the Joint - II Sub-Registrar, Chengalpet. After purchase, the mutation in the revenue records had taken place and the petitioner was issued with patta in patta No. 7437. The owner of the adjacent land moved his fence into the portion of the property purchased by the petitioner and hence, the petitioner submitted a representation before the 3rd respondent for survey of the property. After survey of the same, the 3rd respondent passed the impugned order stating that the extent of property purchased by the petitioner was not available on ground and therefore, directed the petitioner to seek rectification of his title document. Aggrieved by the same, the petitioner is before this Court.

3. Against the impugned order passed by the 3rd respondent, the petitioner has got alternative remedy before the Revenue Divisional Officer of the concerned District. The petitioner raised disputed question of fact with regard to availability of extent purchased by him. Therefore, the same cannot be conveniently gone into by exercising the writ jurisdiction. The petitioner is directed to avail the alternative remedy of revision available



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before the Revenue Divisional Officer. If any such revision is filed, the same shall be disposed of in accordance with law, after issuing necessary notice to all the parties interested within a period of twelve weeks from the date of presentation of the revision Petition.

4. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.08.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No



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Today, the matter is listed under the caption “For being mentioned” at the instance of the learned counsel for the petitioner.

2. The writ petition was dismissed with liberty to the petitioner to avail alternative remedy of appeal before the appellate authority. In the impugned order, while describing the appellate authority, he was mentioned as Revenue Divisional Officer. However, the impugned order itself was passed by Sub-Collector. Therefore, the appellate authority would be the District Revenue Officer. The petitioner also erroneously impleaded the Revenue Divisional Officer as 2nd respondent instead of District Revenue Officer. Therefore, the registry is directed to substitute the expression “Revenue Divisional Officer” found in Paragraph No.3 of the order with the expression “District Revenue Officer” and issue fresh order copy.

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03.12.2024



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