



WEB COPY



W.P.No.19565 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.19565 of 2018

Rajendran

... Petitioner

Vs.

1.The District Collector,
Nagapattinam District.

2.The Revenue Divisional Officer,
Nagapattinam.

3.The Tahsildar,
Nagapattinam.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the third respondent to consider the representation of petitioner dated 06.04.2017 for rectification of error in Sub Division of his house site in the light of orders passed by the first respondent in his proceedings in O.Mu.6874/2017/Aa4 dated 12.04.2017 and dispose of the same.

For Petitioner : Mr.B.Jawahar

For Respondents 1 to 3 : Mr.R.L.Kathika,
Government Advocate



W.P.No.19565 of 2018

WEB COPY

ORDER

This writ petition has been filed to direct the third respondent to consider the representation of petitioner dated 06.04.2017 for rectification of error in Sub Division of his house site in the light of orders passed by the first respondent in his proceedings in O.Mu.6874/2017/Aa4 dated 12.04.2017 and dispose of the same.

2. The case of the petitioner is that the petitioner owns a house site in Old Survey No.101E-9 and New Survey No.179/24, which was originally acquired by petitioner's paternal uncle under sale deeds dated 06.03.1950 and 21.03.1950. There was a partition between the petitioner and his brothers in respect of the said property in the year 1994 and the aforesaid house site in Survey No.101E-9 was allotted to petitioner's share. This being so, while doing sub classification, a portion of petitioner's property was wrongly included in the adjacent Survey No.178/18. As per title documents referred above, the East-West measurement of his property is 33 feet, which is equivalent to 10.05 metres. But in the new sub-division No.179/24, the East west measurement is shown as 6.6 metres. Therefore, the petitioner has made



a representation before the third respondent to consider his documents and curve out the excess extent, which was wrongly included in adjacent sub-division No.178/18 and include the same in petitioner's sub-division No.179/24. However, the same was not considered. Hence, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submit that it would suffice, if this Court issues a direction to the respondents to consider the representation of the petitioner dated 06.04.2017 and pass appropriate orders on merits and in accordance with law, within a time frame to be fixed by this Court.

4. Learned Government Advocate appearing for the respondents has filed a counter affidavit dated 06.12.2021. For better appreciation and understanding, the relevant portion of the counter affidavit is extracted hereunder:

“5. Steps are being taken to rectify the error, and the rectified patta would be issued to the petitioner within a period one month. The above position has been communicated to the Revenue Divisional Officer and District Revenue Officer and



WEB COPY



W.P.No.19565 of 2018

also the petitioner vide letter dated 06.12.2021.”

5. Heard the learned counsel on either side and perused the materials available on record.

6. In view of the above stated facts that rectified patta would be issued to the petitioner, this Court directs the third respondent/The Tahsildar, Nagapattinam to issue a rectified patta to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the aforesaid observation and direction. No costs.

21.06.2024 (vm)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



WEB COPY



W.P.No.19565 of 2018

To:

- 1.The District Collector,
Nagapattinam District.
- 2.The Revenue Divisional Officer,
Nagapattinam.
- 3.The Tahsildar,
Nagapattinam.



WEB COPY



W.P.No.19565 of 2018

J.SATHYA NARAYANA PRASAD,J.

vm

W.P.No.19565 of 2018



WEB COPY



W.P.No.19565 of 2018

21.06.2024