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W.P. No.21371 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. No.21371 of 2024

A.Abdul Rahiman

... Petitioner

Vs

1.The Commissioner & Land Administration

Ezhilagam, Chepauk

Chennai - 600 005

2.The District Collector

Office of the District Collector

Salem 636 001

3.The District Revenue Officer

Salem District

Salem 636 001

4.The Revenue Divisional Officer

Salem 636 001

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the representation dated 18.05.2023 and 13.04.2024 made by the petitioner and issue a separate patta in respect of the left out land belonging to the petitioner in T.S. No.37 (Old S. No.67) and Survey No.66/3 to an extent of 299 Sq.ft (204 + 95 Sq.ft) respectively situated at Block 25, Ward H, Salem Town, Salem.



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For Petitioner : Mr.T.Hemalatha
For Respondent : Mr.P.Sathish
Addl. Govt. Pleader for R1 to R4

ORDER

This writ petition has been filed for a direction to the respondents to consider the representation of the petitioner dated 18.05.2023 and 13.04.2024 for issuance of a separate patta in respect of the left out land belonging to the petitioner in T.S. No.37 (Old S. No.67) and Survey No.66/3 to an extent of 299 Sq.ft (204 + 95 Sq.ft) respectively situated at Block 25, Ward H, Salem Town, Salem.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the entire materials available on record.

3. It is the case of the writ petitioner that he has purchased an extent of 1320 sq.ft. of land situate in T.S. No.67, Block 25, Ward H, Salem Town by way of a sale deed dated 15.09.1999 from one Chenna Krishna Naidu. Another



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extent of 1428½ sq.ft. was purchased by petitioner's father Anwar Basha vide sale deed dated 23.09.1999. Separate patta was issued by the Tahsildar for the land originally owned by Anwar Basha by subdividing the land as S. No.67 and 67/1 only to an extent of 1216 sq.ft. as against 1428½ sq.ft. Petitioner's father had executed a settlement deed in favour of the petitioner for the above extent of 1428½ sq.ft. The petitioner became the absolute owner of 2748½ sq.ft. (1320 sq.ft. + 1428½ sq.ft.). By proceedings dated 17.11.2014, the Tahsildar has issued patta in the name of the petitioner only to an extent of 2448.8 sq.ft. stating that for Surve No.66/3 there is a reduction of 221 sq.ft. This total extent of 299 sq.ft. (204+95) is shown as public land, which according to the petitioner is incorrect. Hence he has given a representation for patta in respect of left out extent of the land.

4. Considering the limited relief sought for in this writ petition, the respondents are directed to consider the representation of the petitioner dated 13.04.2024 and pass appropriate orders on the petitioner's representation to issue separate patta in respect of the left out land belonging to the petitioner in T.S. No.37 (Old S. No.67) and Survey No.66/3 to an extent of 299 Sq.ft. (204+95) respectively situated at Block No.25, Ward H, Salem Town, Salem,



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on merits and in accordance with law, after giving notice to neighbouring land owners or any other interested persons. Such exercise shall be completed within a period of three months from the date of receipt of copy of this order.

5. Accordingly, the writ petition is disposed of. However, there is no order as to costs.

31.07.2024

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Commissioner & Land Administration
Ezhilagam, Chepauk
Chennai - 600 005

2.The District Collector
Office of the District Collector
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3.The District Revenue Officer
Salem District
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4.The Revenue Divisional Officer
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5.The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

Asr



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