



W.P.No.27511 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.27511 of 2019

1.P.Balakrishnan

2.B.Vanaja

... Petitioners

Vs.

1.The District Revenue Officer,
Fort Main Road, First Agraharam,
Salem – 636 001.

2.The Revenue Divisional Officer,
Salem Division,
Salem – 636 001.

3.The Tahsildar,
Salem South Zone Office,
74/199, Nethimedu, Maniyanur,
Kondalambatti Main Road,
Salem – 636 010.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the third respondent to correct the error that appeared in the online Patta and change the extent from 13 sq.m. to 3750 sq.ft. based on the Patta dated 23.09.1993, and issue fresh Patta in the name of the second petitioner as per the Settlement Deed dated 21.03.2017 with



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respect to the property situated at Ward AA, Block-16, T.S.No.85/1, now called as New Trichy Branch Road, Linemedu, 3rd Street, North Street, under Salem South Village Sub Division Tahsildar.

For Petitioners : Mr.Naveen Kumar Murthi

For Respondents : Mr.K.Surendran
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the third respondent to correct the error that appeared in the online patta and change the extent from 13 sq.m to 3750 sq.ft. based on the patta dated 23.09.1993, and issue fresh patta in the name of the second petitioner as per the Settlement Deed dated 21.03.2017 with respect to the property situated at Ward AA, Block-16, T.S.No.85/1, now called as New Trichy Branch Road, Linemedu, 3rd Street, North Street, under Salem South Village Sub Division Tahsildar.

2. According to the petitioners, the first petitioner is the owner of the property measuring to an extent of 3750 sq.ft., situated at Door No.38 (ABCD), Block No.16, Ward-H, Survey No.85/1, New Trichy Branch Road, Linemedu, 3rd Street, North Street, Salem South Village, Salem District.



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3. The said property was originally belonging to one Thiru.O.C.Gangadharachettiyar and after his death, the said property was inherited by his sons namely Thiru.O.C.G.Siddachettiyar, Thiru.O.C.G.Thiyagarajan and Thiru.O.C.G.Ranganathan. After the death of Thiru.O.C.G.Siddachettiyar, his wife Mrs.S.Saraswathi Chettiyar sold the property to the first petitioner's brother P.Madapan Palaniswamy and his wife Mrs.M.Rajamma by a registered Sale Deed dated 12.02.1979. The brother of the first petitioner namely P.Madapan Palaniswamy executed a Will dated 01.12.1984 in favour of the first petitioner and he passed away. Thereafter, the said Mrs.M.Rajamma also made a Joint Release Agreement dated 07.09.1990 in favour of the first petitioner. Thereafter, the first petitioner made a representation to the Tahsildar, Salem South Zone Office, Salem District the third respondent herein for grant of Patta in his name. Based on the report of the Survey Officer dated 30.05.2015, on 19.06.2015 the third respondent has granted Patta in favour of the first petitioner.

4. According to the petitioners, unfortunately, in the representation made by the first petitioner for grant of Patta, he has wrongly mentioned the extent of the property as 3460 sq.ft. instead of 3750 sq.ft. Thereafter, in the year 2017, the first petitioner has executed a Settlement Deed dated 21.03.2017 in favour



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of his wife the second petitioner in respect of the subject property measuring to an extent of 3750 sq.ft. Later, in the year 2018, the first petitioner came to know through online portal that the property said to have been owned by the petitioners was reflected as 13 sq.m. instead of 3750 sq.ft. This was taken place due to inadvertence of the respondents. Therefore, the first petitioner made a representation to the second respondent on 25.02.2019 and to the third respondent on 26.02.2019, seeking to rectify the error crept in, in his Patta issued by the third respondent. The second respondent on 07.03.2019 issued a Memo to the third respondent to consider the representation of the first petitioner dated 25.02.2019 and also directed to conduct survey and file a detail report before the second respondent. The grievance of the petitioners is that thereafter no action has been taken by the third respondent. Hence the writ petition.

5. Learned counsel appearing for the petitioners submitted that the error has taken place in the computerized Patta. Hence, the first petitioner has given representation dated 16.07.2019 to the respondents to correct the error in the computerized Patta. Both the first and second petitioners have also given representation dated 01.08.2019 to the respondents.



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6. Pursuant to the representation dated 01.08.2019 of the petitioners, the learned Additional Government Pleader appearing for the respondents has filed a Status Report given by the Tahsildar, Salem South Zone Office, Salem District the third respondent vide Ref.No.1677/2019/B3 dated 30.09.2019, wherein, it is mentioned that as per the requisition made by the petitioner, the proposal is being prepared to be sent to the second respondent to make necessary changes in Town Survey Land Register and at once the order passed as per the Town Survey Land Register authority, necessary changes will be carried out as per the grievance of the petitioner. Thereafter, nothing has progressed.

7. Learned Additional Government Pleader appearing for the respondents submitted that within one month, errors in the computerized Patta will be rectified by the respondents authorities.

8. In view of the above submission made by the learned counsel on either side, the second respondent is directed to consider the representation dated 01.08.2019 of the petitioners and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.



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9. This Writ Petition is disposed of with the above observations and directions. No costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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To

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3.Tahsildar,
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