



WEB COPY



W.P.No.33579 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.33579 of 2024

N.Kalavathy

... Petitioner

Vs.

1. The Thasildhar,
Kundrathur Taluk Office,
Kancheepuram District.

2. The Sub Registrar,
Kundrathur Sub Registration Office,
Kundrathur,
Kancheepuram District.

3. The Surveyor,
Kundrathur Taluk Office,
Kancheepuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 1st Respondent to make arrangements to found the correct survey number for the property and direct him to give certificate for the same based upon the representation dated 28.08.2024 and direct him to issue patta in the Petitioner's name based upon her document.



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W.P.No.33579 of 2024

For Petitioner : Mr.N.Kalavathy

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus to direct the 1st Respondent to make arrangements to find the correct Survey number for the property and direct him to give certificate for the same based upon the representation dated 28.08.2024 and direct him to issue patta in the Petitioner's name based upon her document.

2. The Petitioner's grievance is that she had purchased the property measuring to an extent of 900 sqft in a Layout called Vasanthapuri Extension which includes several Survey numbers. The Petitioner's property comes under Survey No.116, however her Survey number has been mentioned as Survey No.117. The property was purchased by her under a registered Sale Deed dated 06.09.2011. The Petitioner further submits that she did not know about this mistake at the time of registration and it was only when she had approached the Revenue Authorities for grant of Patta that the mistake in the



W.P.No.33579 of 2024

document came to light and therefore, she had approached the 2nd Respondent for registration of declaration affidavit that the property comes under Survey No.116 instead of Survey No.117. However, though the affidavit was received by the 2nd Respondent, on a perusal of the document, the 2nd Respondent directed the Petitioner to obtain a letter from the Village Administrative Officer (VAO) along with the Layout sketch. Pursuant to this, the Petitioner had approached the Village Administrative Officer (VAO) who inturn had directed to survey her property. The surveyor in turn refused to comply with the request and directed the Petitioner to give a representation before the 1st Respondent and only after instructions are received from the 1st Respondent, the surveyor could visit the property. Accordingly the Petitioner had given a representation to the 1st Respondent, however, arrangements have not been made till date and therefore, the Petitioner is before this Court seeking a Mandamus to the 1st Respondent.

3. Heard the learned counsel on either side.

4. Mr.A.Selvendran, learned Special Government Pleader for the Respondents would submit that in the light of there being a confusion with



W.P.No.33579 of 2024

reference to the Petitioner's Survey number it cannot be straight away surveyed and measured. On the contrary they would have to first conduct a survey of the entire property in the Layout to identify the Petitioner's property and thereafter, issue necessary certificate to the Petitioner. He would further submit that time is required for concluding such enquiry.

5. In the light of the above submission, the Writ Petition stands disposed of with the direction to the 1st Respondent to conduct the survey of the properties comprised in the Layout and identify the Survey Number of the Petitioner and thereafter, issue necessary certificate to the Petitioner. In case, the property is not identifiable then a speaking order shall be passed. This exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this Order.

18.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



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W.P.No.33579 of 2024

To

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Kancheepuram District.
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Kundrathur,
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W.P.No.33579 of 2024

P.T.ASHA, J.

rgm

W.P.No.33579 of 2024

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