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WP.No.33777 of 2024

In the High Court of Judicature at Madras

Dated : 19.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.33777 of 2024

Mr.S.Sekar

...Petitioner

Vs

1.The Revenue Divisional Officer,  
Office of the Revenue Divisional  
Officer, Thiruporur Division,  
Chengalpattu District-603110.

2.Vivek Kumar Chordia

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus to direct the first respondent to consider the representation dated 01.10.2024 to conduct inquiry and cancel the patta bearing Patta No.209 wrongly issued in favour of Vivek Kumar Chordia for survey No.301/9, old survey No.203/4 (Part) and situated in Nemmeli Village in Chengalpattu Taluk, Kancheepuram District on the file of the Sub-Registrar Office, Thiruporur measuring an extent of 10 cents or 405 sq.meters within the stipulated time.

|                |   |                   |
|----------------|---|-------------------|
| For Petitioner | : | No appearance     |
| For R1         | : | Mr.P.Sathish, AGP |



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ORDER

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The writ petition has been filed for the following relief :

"a Writ of Mandamus to direct the first respondent to consider the representation dated 01.10.2024 to conduct inquiry and cancel the patta bearing Patta No.209 wrongly issued in favour of Vivek Kumar Chordia for survey No.301/9, old survey No.203/4 (Part) and situated in Nemmeli Village in Chengalpattu Taluk, Kancheepuram District on the file of the Sub-Registrar Office, Thiruporur measuring an extent of 10 cents or 405 sq.meters within the stipulated time. ."

2. It is the case of the petitioner that the petitioner, his late father and siblings namely Mr.S.Sekar, Mr.P.Shanmugam, Mr.S.Dharmalingam, Mr.S.Vasudevan and Ms.R.Mallika were the absolute owners of the following properties :

*"(i) Vacant land bearing new survey No.301/9, old survey No.203/4 (Part) measuring an extent of 10 cents or 405 sq.meters having purchased the same from Mrs.Kumutham and 3 others through sale deed registered as doc.No.1158 of 2005 dated 01.3.2005 on the file of SRO, Thiruporur; and  
(ii) Building along with land bearing new*



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*survey No.301/11, old survey No.204/4 measuring an extent of 9.7 cents or 395 sq.meters having acquired the same through patta bearing No.82 issued by Tahsildar, Tiruporur."*

3. Both the properties are grama natham properties situated at Nemmili Village, Chengalpattu Taluk, Kanchipuram District. They are all along in possession and enjoyment of the said properties. While so, the second respondent approached the petitioner and his siblings with a request the purchase the property in S.No.301/9 for a sum of Rs.24 lakhs. This was agreed to by the petitioner, his late father and siblings and a registered sale deed was executed in favour of the second respondent on 06.2.2014. Subsequently, a rectification deed was entered into between the parties rectifying S.No.301/9 to S.No.301/11 and it came to be registered on 07.4.2014.

4. The petitioner would submit that by reason of this, they are the absolute owners of the property in S.No.301/9, old S.No.203/4 (Part) measuring an extent of 10cents or 405 sq.meters. Thereafter, the petitioner came to know that some third parties have trespassed into the property in S.No.301/9 and when they visited the office of the Tahsildar concerned, they also came to realize that clandestinely, the



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second respondent had got patta in respect of the property in S.No. 301/9. Immediately, a representation dated 01.10.2024 has been sent to the first respondent to cancel the patta, which has been wrongly issued in favour of the second respondent for S.No.301/9. Since the said representation is yet to be taken up for consideration, the petitioner is before this Court.

5. None appears for the petitioner. The learned Additional Government Pleader accepts notice for the first respondent.

6. The representation dated 01.10.2024 has been given by the petitioner in the light of the alleged fraudulent action of the second respondent, who, after getting a rectification deed executed in his favour, had included the property in S.No.301/9, which he had not purchased. Originally, the sale deed dated 06.2.2014 was executed for S.No.301/9, which was subjected to rectification under the rectification deed dated 07.4.2014. Therefore, by reason of the rectification deed, the second respondent became the owner of the land in S.No.301/11 alone. However, he managed to obtain a patta in respect of S.No. 301/9 without producing any document in respect of his claim.



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7. Accordingly, the writ petition is allowed and a Mandamus is issued to the first respondent to consider the representation of the petitioner dated 01.10.2024 and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order.

19.11.2024

To  
The Revenue Divisional Officer,  
Office of the Revenue Divisional  
Officer, Thiruporur Division,  
Chengalpattu District-603110.

RS



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P.T.ASHA,J

RS

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