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WP.No.34983 of 2024

In the High Court of Judicature at Madras

Dated : 27.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34983 of 2024

Peruma

Vs

...Petitioner

1.The Revenue Divisional Officer,
Krishnagiri-635115.

2.The Zonal Deputy Tahsildar,
Pochampalli Taluk,
Krishnagiri District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent herein to dispose of the petitioner's appeal dated 07.10.2024 filed against file No.2024/0103/31/344532 dated 14.8.2024 on the file of the second respondent herein rejecting the request of the petitioner to issue patta in respect of 0.5 1/2 cent in S.F.No.750/3D1A1A at Mookampatti Village, Pochampalli Taluk, Krishnagiri District in accordance with law within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan
For Respondents : Mr.R.P.Murugan Raja, GA



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ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the respondents.

2. The petitioner purchased an extent of 0.09 1/4 cents out of 0.16 cents from one Ms.Nagamma under a sale deed dated 22.1.2014 registered as doc.No.79 of 2014 on the file of the Sub-Registrar, Pochampalli. After purchase, the petitioner is in possession and enjoyment of the said property. During June 2024, the petitioner came to understand that the extent that has been mentioned in the sale deed was 0.03 3/4 cents instead of 0.09 1/4 cents. The petitioner's vendor also executed a rectification deed dated 07.8.2024 rectifying the mistake and it was registered as doc.No.3723 of 2024 on the file of the same Sub-Registrar. Thereafter, mutation of the revenue records also took place. But, the patta issued in the name of the petitioner reflects only 0.03 3/4 cents and the petitioner was unaware of this anomaly.

3. On 14.8.2024, the petitioner made an online application to the second respondent to issue patta for the balance extent. However, even on the same date, the request of the petitioner had been rejected



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by the second respondent stating that a civil suit in O.S.No.248 of 2023 is pending on the file of the Sub-Court, Uthangarai. On inquiry, the petitioner came to know that one Ms.Ambika and others filed the said suit against the vendor of the petitioner alleging that on 22.4.2009, her husband - one Mr.Annamalai purchased an extent of 1,995 sq.ft. of land in S.F.No.749/1B, that however, the correct survey number was 750/3D1A1A, that to rectify the said mistake, the said suit was filed after 15 years and that actually the said Mr.Annamalai subdivided the land as S.F.No.749/1B1 and got patta No.1235.

4. However, the petitioner was not made as a party to the said suit.

5. As against the said order dated 14.8.2024, the petitioner filed an appeal before the first respondent on 07.10.2024 after enclosing all the documents. But, the first respondent has not disposed of the said appeal. Hence the writ petition has been filed by the petitioner seeking a Mandamus to direct the first respondent to dispose of the said appeal.

6. The appeal of the petitioner has been filed on 07.10.2024 and the same is yet to be taken up for inquiry.



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7. Considering the limited nature of the relief that has been sought, the writ petition is allowed and a Mandamus is issued to the first respondent to dispose of the appeal dated 07.10.2024 after hearing the petitioner and the parties, who are now claiming right over the said property and pass appropriate orders thereon within a period of six weeks from the date of receipt of a copy of this order. It is open to the petitioner to raise all her contentions before the first respondent. No costs.

27.11.2024

To

1.The Revenue Divisional Officer,
Krishnagiri-635115.

2.The Zonal Deputy Tahsildar,
Pochampalli Taluk,
Krishnagiri District.

RS



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