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W.P.No.35557 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.35557 of 2024

Y.Isaac

... Petitioner

Vs.

1.The District Revenue Officer
Kancheepuram.

2.The Revenue Divisional Officer
Sriperumputhur Division,
Kancheepuram District.

3.The Tashildhar
Kundrathur Taluk, Kundrathur,
Kancheepuram District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to mutate the revenue records and issue Natham Patta to the petitioner relating to Gramanatham S.No.1/1B as per the survey and measurement pursuant to the orders of the Honourable Court in W.P. 19455 of 2024 and also direct the respondents to furnish the petitioner necessary survey report and sketch in respect of the property of the petitioner for S.No.1/1B Kundrathur village and taluk, Kanchipuram District, covered in the sale



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deed of the petitioner dated 3.2.2006 bearing document No.881/2006 SRO, Kundrathur.

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For Petitioner : M/s.N.Suresh

For Respondents : Mr.A.Selvendran, Spl.G.P.
for R1 to R3.

ORDER

The Writ Petition is filed for the following reliefs:-

"directing the respondents to mutate the revenue records and issue Natham Patta to the petitioner relating to Gramanatham S.No.1/1B as per the survey and measurement pursuant to the orders of the Honourable Court in W.P. 19455 of 2024 and also direct the respondents to furnish the petitioner necessary survey report and sketch in respect of the property of the petitioner for S.No.1/1B Kundrathur village and taluk, Kanchipuram District, covered in the sale deed of the petitioner dated 3.2.2006 bearing document No.881/2006 SRO, Kundrathur."



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2. The petitioner would contend that he is the absolute owner of the subject property. He had purchased the same under a registered sale deed dated 03.02.2006 from one K.Khaleelu Rahman. The said K.Khaleelu Rahman in turn had purchased the property under a registered sale deed dated 07.09.1995 from one Natarajan, son of Murugappa Chettiar. The petitioner would submit that he has been in possession of the subject property and has been using it as a thatched house with a compound wall.

3. The petitioner would submit that he had wanted to remove the thatched house and put up construction and for that the approval of the Nathaam Patta was required. Therefore, he had approached the revenue authorities for the mutation of the revenue records. However, the revenue authorities had refused to enter his name in the revenue records, citing that the property was classified as a Gramanatham property. The petitioner would submit that the total extent of S.No.1/1B of Kundrathur Village spread across an extent of 32307 sq.ft. of which the petitioner is the owner of an extent of 6750 sq.ft.



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4. The petitioner would submit that he had earlier approached this Court by filing W.P.No.19455 of 2024 to survey and measure the subject property and by order dated 19.07.2024 directions were passed for survey and demarcation. He would submit that pursuant to the above order a survey was conducted on 23.09.2024. Though the survey and measurement have been done, the respondents have not taken any steps to mutate the revenue records and have also not furnished the survey report and survey sketch to the petitioner.

5. The petitioner would further submit that thereafter pursuant to the order passed by this Court in W.P.No.19455/2024, he was called for an enquiry on 18.10.2024. During the said enquiry, the petitioner had given a representation to survey the subject property as per his enjoyment of the Gramanatham land, including access to the same. Though the representation was received by the 3rd respondent, no orders were passed despite the enquiry. Therefore, the present writ petition.

6. Heard the counsels on either side.



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7. Though it is stated that a measurement has been done, however, the petitioner has not been served with a copy of the same, and neither has the sketch been provided before this Court. Therefore, the request for survey the property afresh by the petitioner has to be granted so as to enable the petitioner to obtain patta. Therefore, considering the above factors, a Mandamus is issued to the 3rd respondent to once again survey and measure the property in question and to issue the petitioner with a patta along with a survey report and sketch within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the above observations, the Writ Petition is allowed. No costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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P.T. ASHA. J.,

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