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W.P.No. 35061 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35061 of 2024

S.Amburose

... Petitioner

Vs

1. The District Collector
Chennai District

2. The District Revenue Officer,
Chennai District

3. The Revenue Divisional Officer
North Chennai Division
Chennai

4. The Tahsildar
Perambur Taluk
Chennai District

5. Simon

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Mandamus, directing the 3rd respondent herein to issue to consider and pass order on petitioner's patta application dated 23.08.2024 in Patta Transfer Petition No.



W.P.No. 35061 of 2024

2024/0153/02/036347 for the grant of fresh patta in respect to petitioner's property comprised in Town Survey No. 52/1, Block No. 19, Sembium Village, Perambur Taluk, Chennai District, bearing Old No. 20/3, New No. 63/3, Teeth Thottam 4th Street, Perambur, Chennai – 600 011, to an extent of 903 Sq.Ft. In view of the order passed by the 3rd respondent in his proceedings in A1/1553/2017 dated 21.07.2023 as confirmed by the 2nd respondent herein his proceedings in Na.Ka.No.J4/19606/2023 dated 20.07.2024.

For Petitioner : Mr.S.Sathish Rajan
For Respondents 1 to 4 : Mr.S.Jayachandran
Government Advocate

ORDER

The above writ petition has been filed for the following relief:

“To issue a Writ of Mandamus, directing the 3rd respondent herein to issue to consider and pass orders on petitioner's patta application dated 23.08.2024 in Patta Transfer Petition No. 2024/0153/02/036347 in respect of the property comprised in Town Survey No. 52/1, Block No. 19, Sembium Village, Perambur Taluk, Chennai District, bearing Old No. 20/3, New No. 63/3, Teeth Thottam 4th Street, Perambur, Chennai – 600 011, to an extent of 903 Sq.Ft in view of the order passed by the 3rd respondent in his proceedings in A1/1553/2017 dated



21.07.2023 as confirmed by the 2nd respondent herein in his proceedings in Na.Ka.No.J4/19606/2023 dated 20.07.2024.”

2. The petitioner would submit that the property comprised in Town Survey No.22/3, Block No.19, Sembium Village, Perambalur Taluk, Chennai District measuring an extent of 903 sq.ft of land belongs to him, having purchased the same from one Gomathi under a registered Sale Deed 12.03.1997 on the file of the Sub Registrar Office, Sembium. The 5th respondent herein is the adjacent owner on the eastern side of the petitioner's property. The 5th respondent had also purchased a property from his vendor, Gomathi under a registered Sale Deed of the same date. Subsequent to the purchase, the petitioner had made an application on 15.04.1997 for grant of patta in his favour before the 4th respondent. The 5th respondent had also similarly applied for patta. After an enquiry, the 4th respondent had subdivided the properties and issued a patta in favour of the petitioner in respect of Survey No.52/3 measuring an extent of 872 sq.ft. The 5th respondent's



property was also subdivided as Survey No.52/2 and patta was issued to him with reference to 872 sq.ft. Further, without any claim being made by the 5th respondent, the 4th respondent had issued a joint patta in favour of the petitioner in extent of Survey No.97 sq.ft by subdividing it into Survey No.52/4. The 5th respondent thereafter had encroached upon the suit property.

3. The petitioner would submit that since the joint patta issued by the 4th respondent was not in accordance with the property, an application was made by the petitioner to the 3rd respondent to cancel the joint patta issued in his name and the 5th respondent and to issue a separate patta. The 3rd respondent had cancelled the pattas vide his proceedings dated 21.07.2023 and directed the restoration of the revenue records to its original position by holding that the 4th respondent had erroneously issued the joint patta in respect of the properties in which he had no right of ingress and egress. Challenging the same, the 5th respondent had preferred an appeal before the 2nd



respondent. The 2nd respondent confirmed the order passed by the 3rd respondent by order dated 20.07.2024 and directed the parties to approach the Civil Court. Since all the pattas were cancelled, the petitioner had filed an application on 23.08.2024 for issuance of fresh patta in respect of the property purchased by him. However, the said application was rejected by the 4th respondent. Challenging the same, the petitioner is before this Court.

4. Heard the learned counsels on either side.

5. Admittedly, the petitioner has purchased 903 sq.ft lands from the said Gomathy. On the very same day, the 5th respondent has also purchased the property. The sale deed of the petitioner dated 12.03.1997 would clearly describe the measure of the property and its boundaries. A sketch has also been appended to the Sale Deed which clearly indicates the property in question. A perusal of the above would clearly show that the passage does not form part of the 903 sq.ft



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that has been purchased by the petitioner. On the contrary, the passage is independent of the two properties that have been sold to the petitioner as well as the 5th respondent. Therefore, the petitioner is entitled to patta in respect of his 903 sq.ft.

6. Accordingly, the Writ Petition is allowed. The 4th respondent shall take into account the measurement of the property sold to the petitioner under the Sale Deed dated 12.03.1997 and the sketch which has been appended to the Sale Deed and pass appropriate orders for issuing patta within a period of two months from the date of receipt of a copy of this order. No costs.

27.11.2024

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To,

1. The District Collector

6/8



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Chennai District

2. The District Revenue Officer,
Chennai District
3. The Revenue Divisional Officer
North Chennai Division
Chennai
4. The Tahsildar
Perambur Taluk
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P.T.ASHA, J.,

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