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WP.No.36989 of 2024

In the High Court of Judicature at Madras

Dated : 11.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36989 of 2024

C.Ganapathy

...Petitioner

Vs

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer,
Thiruvallur, Thiruvallur District.

3.The Tahsildar, Avadi Taluk
Office, Avadi, Chennai-72.
Thiruvallur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to correct the measurements/extent of the land in old survey No.457/5A2, T.S.No.4/2, Ward No.E/27 as 222 sq.meter instead of 182 sq.meter in the online patta pursuant to the order in Na.Ka.No.93-2020-A5 passed by the 2nd respondent dated 22.6.2023 and the sale deed document No.1946 of 1989 dated 13.3.1989.

For Petitioner : Ms.L.Karthiga
For Respondents : Mr.A.Selvendran, SGP



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ORDER

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Seeking a Mandamus to the respondents to correct the measurement/extent in respect of the property in old survey No.457/5A2, T.S.No.4/2, Ward No.E/27 as 222 sq.meter, Thandurai Village, Poonamallee Taluk, Thiruvallur District, now Avadi Taluk, in the online patta pursuant to the order in Na.Ka.No.93-2020-A5 passed by the 2nd respondent dated 22.6.2023 and the sale deed document No.1946 of 1989 dated 13.3.1989 and to issue a computerized patta, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. The petitioner would contend that the said property is his ancestral property. Originally, there were three sharers. The other two co-sharers sold their respective shares namely 2/3 share to the petitioner vide sale deed dated 13.3.1989 registered as doc.No. 1946 of 1989 on the file of the Sub-Registrar, Poonamallee. The manual patta measuring 222 sq.meters was issued to him.

4. On 13.3.1989, the adjacent land owner of the petitioner - one Mrs.Eswari purchased an extent of 182 sq.meter or 1,950 sq.ft. in



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Survey No.457/5A2 and T.S.No.4/3, Block No.27, Ward E situated at Thandurai Village, Poonamallee Taluk, Thiruvallur District, now Avadi Taluk, from the two co-sharers of the petitioner on 13.3.1989 registered as doc.No.1914 of 1989 on the file of the same Sub-Registrar, thereby she became entitled to get patta only in respect of 182 sq.meter. However, the third respondent has mistakenly mentioned the measurement/extent as 182 sq.meter instead of 222 sq.meters in the online patta in respect of the property owned by the petitioner.

5. As against that, the petitioner made a representation on 14.1.2020 to respondents 2 and 3. The petitioner also made an online application dated 03.7.2020 to the second respondent. Pursuant to that, after conducting an elaborate inquiry, the second respondent passed an order dated 22.6.2023 directing the third respondent to correct the measurement as 222 sq.meter in respect of the property owned by the petitioner. Despite receiving the said order dated 22.6.2023, the third respondent has not taken any steps to correct the measurement. Once again, the petitioner made a representation dated 16.11.2024 to the respondents. As it did not evoke any response, the above writ petition has been filed.



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6. The second respondent passed the order on 22.6.2023. It is nearly 1 1/2 years since the second respondent passed the said order in favour of the petitioner after conducting an inquiry. It is not known as to whether the third respondent has not acted upon pursuant to the order dated 22.6.2023 passed by the second respondent. The latest representation of the petitioner dated 16.11.2024 also has not been considered.

7. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the third respondent to consider the said representation of the petitioner dated 16.11.2024 to correct the measurement in respect of the property owned by the petitioner as 222 sq.meters and issue a computerized patta and pass appropriate orders within a period of 4 weeks from the date of receipt of a copy of this order. No costs.

11.12.2024

To

- 1.The District Collector, Thiruvallur District, Thiruvallur.
- 2.The Revenue Divisional Officer, Thiruvallur, Thiruvallur District.
- 3.The Tahsildar, Avadi Taluk Office, Avadi, Chennai-72. Thiruvallur District.



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