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W.P.No.37613 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.37613 of 2024

R.Loganathan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Goundampalayam Revenue Divisional Office,
Goundampalayam,
Coimbatore – 641 030.

2. The Thasildar,
Mettupalayam Taluk,
Mettupalayam,
Coimbatore – 641 301.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 2nd Respondent to modify the wrong entries made in the patta No.6232 related to petitioner's property bearing Site Nos.1, 2 and 20 comprised in S.No.228/2 (Ward-B, Block-32, T.S.Nos.44 and 45) measuring to an extent of 3468 sq.ft. situated at Mettupalayam Town Amman Nagar 2nd Street, Chikkadasampalayam Village, Mettupalayam Taluk, Coimbatore District based on petitioner's representation dated 19.07.2023.



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For Petitioner : Mr.M.Mohamed Riyaz

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of the Respondents.

2. The Petitioner has filed the above Writ Petition seeking a mandamus to the 2nd Respondent to modify the wrong entries made in Patta.No.6232 related to Petitioner's property bearing Site Nos.1, 2 and 20 comprised in S.No.228/2 (Ward-B, Block -32, T.S.Nos.44 and 45) measuring an extent of 3468 sq.ft. Situated at Mettupalayam Town Amman Nagar 2nd Street, Chikkadasampalayam Village, Mettupalayam Taluk, Coimbatore District on the basis of the Petitioner's representation dated 19.07.2023.

3. The case of the Petitioner is that the Petitioner is the absolute owner of the subject property, he having purchased the same under a registered Sale Deed dated 10.01.2008. The above said property were house sites in an approved lay out which has been duly approved by the Municipal



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Commissioner vide his proceedings dated 01.08.2006 bearing Na.Ka.No.39153-2006 DP.3. After his purchase Patta was also issued in favour of the Petitioner. When the Petitioner intended to sell his property he was informed that a wrong entry had been made in respect of his property in favour of the Municipal Commissioner. The Petitioner had submitted a representation dated 03.10.2022 to the Assistant Director, Land Survey Department, Coimbatore to correct the error taken place in the Patta and issued corrected Patta to the Petitioner. The Assistant Director, Land Survey Department, Coimbatore forwarded the representation to the 2nd Respondent to conduct an enquiry and survey by perusing the documents standing in the name of the Petitioner and to take necessary action on the representation dated 03.10.2022. The 2nd Respondent however did not take any steps on the Petitioner's representation dated 03.10.2022 nor upon the communication dated 06.10.2022 of the Assistant Director, Land Survey Department, Coimbatore. Apart from the above representation and communication the Petitioner had sent yet another representation on 19.07.2023. This was also not considered. The Petitioner would submit that the 2nd Respondent is the authority under the Patta Pass Book Act to modify the wrong entries which duty was not being performed by the 2nd Respondent and therefore, the



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Petitioner is before this Court.

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4. Heard the learned counsel on either side and perused the materials available on records.

5. The Petitioner had filed application/representation even as early as on 03.10.2022 to correct the wrong entry made which application/representation has not been taken up for consideration by the 2nd Respondent to date. The Petitioner had also renewed the representation on 19.07.2023, however, the same has not been considered. Therefore, since the Respondent has failed to discharge its statutory duty a Mandamus is issued directing the 2nd Respondent to dispose of the Petitioner's representation dated 03.10.2022 and 19.07.2023 after giving an opportunity of personal hearing to the Petitioner and perusing the objections and documents submitted by him and thereafter, pass a speaking order. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this Order. In view of the above, the Writ Petition is allowed. No costs.

13.12.2024



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Index : Yes/No

Speaking/Non-speaking Order

Neutral Citation :Yes/No

rgm

To

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