IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.7977 of 2024
and W.M.P.Nos.8949 & 8951 of 2024

T.Dhamodharan ... Petitioner

Vs.

1.The District Collector,
Tiruppur Collectorate,
Cotton Market Building,
Tiruppur District,
PinCode: 641 604.

2.The District Revenue Officer,
Tiruppur Collectorate,
Cotton Market Building,
Tiruppur District,
PinCode: 641 604.

3.The Tahsildar,
Madathukulam,
Tiruppur District.

4.P.Senthil Kumar ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 2nd Respondent in proceedings No.Pa.Mu.06176/2023/J1 dated 11.12.2023 and quash the same by directing the respondents to make necessary correction in the extent of property in the online patta No.132 as 0.94.33 Ares (2.33 acres) instead of 0.92.00 Ares (2.27 acres) in the Survey No.155/1A and also in the patta No.1334 as 0.67.61 Ares (1.67 Acres) instead of 0.70.00 Ares (1.73 acres) in the Survey No. 155/1C at Thanthoni Village, Madathukulam Taluk, Tirupur District as per Physical measurement of the property.

For Petitioner : Ms.R.Meenakshi

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 11.12.2023 and for a consequential direction to the respondents to make necessary corrections in the extent of property in the On-line Patta No.132 as 2.33 acres instead of 2.27 acres in S.No.155/1A and also in Patta No.1334 as 1.67 acres instead on 1.73 acres in S.No.155/1C at Thanthoni Village, Tiruppur District.

2.Heard Ms.R.Meenakshi, learned counsel appearing on behalf of the petitioner and Mr.M.R.Gokul Krishnan, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3.

3.The petitioner had sought for the necessary correction to be carried out in the patta with respect to the extent of property. Such representation made by the petitioner was rejected by the Tahsildar by proceedings dated 15.05.2018 and the same was challenged before this Court in W.P.No.33740 of 2019. This Court allowed the said writ petition by an order dated 03.12.2019 and the relevant portions are extracted hereunder:

> *3. The petitioner became entitled to the property in question pursuant to a partition deed dated 17.9.1999 registered as doc.No.1614/1999 in respect of the agricultural lands in S.F.No.155/1A, Thanthoni Village, Thungavi, Madathukulam, Tirupur District. The case of the petitioner is that the correct extent of the property is 2.33 acres. However, in the chitta, it has been mentioned as 2.2 acres. Therefore, the petitioner submitted a representation on 16.11.2017 to survey the property in question and to rectify the mistake in the chitta. The respondent directed the surveyor to measure the property and the surveyor also filed a report, in which, the extent of the land is mentioned as 2.33 acres. Therefore, the consequence that should naturally follow is to make such an entry in the chitta wherein the extent is shown as 2.2 acres. However, the respondent, by the impugned communication, declined to carry out the correction in the chitta stating that the difference is less than 5%.*
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> *4. Probably, there may be a circular wherein a minimum percentage is fixed for effecting corrections in the revenue records. If there is no claim made by a land owner pointing out the error, the*

respondent can fall back on the said circular. However, when the land owner points out the mistake as verified by the surveyor and found to be correct, then necessarily, the respondent has to make corrections, as the embargo to effect correction cannot be taken into consideration in that case. Even assuming that there are circulars in this regard, those can be taken as only directory and not mandatory and more so when the correct extent of the property should be reflected in the revenue records.

5. In the light of the above, the writ petition is allowed, the impugned order is set aside and the respondent is directed to correct the extent of the property in the chitta as 2.33 acres instead of 2.2 acres, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

4.Pursuant to the above order, an inspection was conducted by the Revenue Inspector and he submitted a report recommending for the alteration of the extent.

5.After the above report was submitted, the District Revenue Officer, Tiruppur conducted an enquiry based on the objections given by the 4th respondent and he came to a conclusion that such alteration of extent can only be done by filing a civil suit under Section 13 of the Tamil Nadu Survey and Boundaries Act, 1923. Aggrieved by the same, the present writ petition has been filed before this Court.

6.In the considered view of this Court, the earlier writ petition was allowed by this

Court by giving a positive direction to carry out the necessary corrections. Therefore, there is no scope for any further enquiry in this case. More particularly, since a report has been submitted by the Revenue Inspector to the effect that such corrections can be carried out after conducting an inspection. If the 4th respondent has any grievance, the 4th respondent has to independently workout his right in the manner known to law and based on his objections, the 2nd respondent cannot pass the impugned order which virtually goes against the earlier order passed by this Court in W.P.No.33740 of 2019 dated 03.12.2019.

7.In the light of the above discussion, this writ petition is allowed as prayed for and there shall be a direction to the 3rd respondent to carry out the necessary corrections, within a period of four weeks from the date of receipt of copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed.

21.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

N. ANAND VENKATESH, J.

ssr

To

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