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W.P.No.17496 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **P.DHANABAL**

W.P.No.17496 of 2025
and
W.M.P.No.19847 of 2025

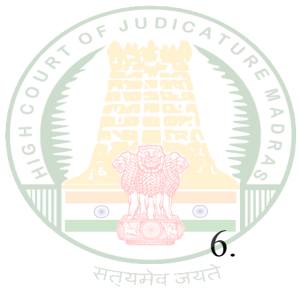
P.Chinnababu
S/o.Poonambalam

... Petitioner

vs.

1. The Revenue Divisional Officer
Thiruvallur 602 001
Thiruvallur District.
2. The Tahsildar
Avadi Taluk
Avadi, Chennai-600 054.
3. The Special Tahsildar
Town Natham Updating Scheme
Avadi, Chennai-600 054.
4. The Town Surveyor
Avadi, Chennai-600 054.
5. The Commissioner
Avadi Corporation
Avadi, Chennai-600 054.

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6. The District Revenue Officer,
Tiruvallur.

... Respondents

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* R6 suo-motu impleaded vide order 09.06.2025

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to direct the respondents to rectify the Town Survey Records so as to remove the wrong description of 'road' in T.S.No.1/2 as against the petitioner's property and issue Town Survey Patta for the entire extent of petitioner's property measuring 9 cents (i.e., 3920 sq.ft) Muthapudupet Village, Avadi Taluk, Thiruvallur District situate at Door No.6, Old Door No.1, Mosque Street, Muthapudupet, Avadi I.A.F, Chennai-600 055, comprised in Old Survey Nos.35/1A and 35/2 Part, T.S.No.1/2 and further forbearing the respondents and more particularly, the 5th respondent, its men, agents, servants and subordinates from demolishing any part of the aforesaid petitioner's property on wrong premises that it is part of the 'road' in T.S.No.1/2.

For Petitioner : Mr.S.H.Vazhavan
For Respondents : Mr.K.Suresh
Government Advocate, for R1 to R4
Mr.Gopinath,
Standing Counsel, for R5
Mr.T.K.Saravanan
Additional Government Pleader, for R6



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ORDER

[Order of the Court was made by M. SUNDAR, J.]

Subject matter of the captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} is a plea for issue of Town Survey Patta for what according to the writ petitioner is 'petitioner's property admeasuring 9 cents or thereabouts (3920 sq.ft) in Muthapudupet Village, Avadi Taluk, Thiruvallur District situate at Door No.6, Old Door No.1, Mosque Street, Muthapudupet, Avadi I.A.F, Chennai-600 055, comprised in Old Survey Nos.35/1A and 35/2 Part, T.S.No.1/2' {hereinafter 'said land' for the sake of brevity, convenience and clarity).

2. When the matter was taken up, Mr.S.H.Vazhavan, learned counsel on record for writ petitioner, Mr.K.Suresh, learned Government Advocate for R1 to R4 and Mr.Gopinath, learned Standing Counsel for R5 are before this Court.



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3. After hearing both sides, it comes to light that R1 (jurisdictional Revenue Divisional Officer) has already made an 'order dated 28.02.2025 bearing reference Na.Ka.No.6505/2025/Aa5' {hereinafter 'said order' for the sake of brevity, convenience and clarity} *inter alia* holding that Old S.No.35/1 (T.S.No.2/1) admeasuring 0.06 cents is classified as 'Ryotwari Punjai' and that the writ petitioner is the owner. Said order also holds that Old S.No.35/2 (T.S.No.82/2) admeasuring 0.16.06 Hectares is classified as 'Punjai' and it is a street. Aggrieved by said order, writ petitioner has preferred a revision before the jurisdictional District Revenue Officer i.e., District Revenue Officer, Tiruvallur. This revision is styled as an appeal and it is dated 04.04.2025. A scanned reproduction of this revision (styled as an appeal) is as follows:



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BEFORE THE DISTRICT REVENUE OFFICER, THIRUVALLUR

Appeal No. OF 2025

Against

Proceedings in Na.Ka.No.6505/2025/A5 dated 28.02.2025 of the 1st Respondent

CHINNABABU
S/o. Ponnambalam,
No.6/1, Mosque Street,
Muthapudupet,
I.A.F.Avadi, Chennai 600 055

... Appellant

Vs

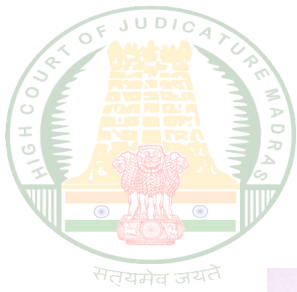
1. The Revenue Divisional Officer,
Thiruvallur Revenue Division,
Thiruvallur 602 001.
2. The Tahsildar,
Avadi Taluk,
Avadi, Chennai 600 054.
3. G.Kasthuri,
D/o. Govindarajulu,
Mosque Street,
Muthapudupet,
I.A.F.Avadi, Chennai 600 055.

... Respondents

1. The Address for Service of all process and notices on the Appellant is that of his Counsel **M/s.N.R.ANANTHA RAMA KRISHNAN, S.SUSHIL KUMAR & K.RAMESH** at No.7A, Sunkurama Chetty Street, 1st Floor, Chennai-600 001 and also at Thiruvallur.
2. The address for service of the Respondents is the same as stated above.
3. The Appellant had purchased Acre 0.09 Cents i.e. 364.183 Sq.Meters in Old S.No.35/1A, Muthaputhupet Village, Avadi Taluk, Thiruvallur District from Kuppasamy Reddiar son of Murugappa Reddiar by and through Sale Deed dated 15.03.1982 registered as Doct.No.844 of 1982 at SRO Poonamallee.



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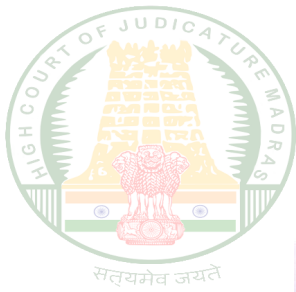
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4. The 3rd Respondent's father Govindarajulu's site was the northern boundary to the Appellant's property.
5. In Town Survey records by mistake the Appellant's lands have been wrongly mentioned as 'Street' in T.S.No.2/1. Hence the Appellant could not get patta for his property.
6. The 3rd Respondent and her family had been creating lot of nuisance to the Appellant by threatening to interfere with the Appellant's property. Hence the Appellant filed O.S.No.255 of 2004 before District Munsif Ambattur and obtained decree for permanent injunction against the 3rd Respondent and her family. Govindarajulu had filed O.S.No.405 of 2000 later renumbered as O.S.No.537 of 2007 before the very same court and the said suit came to be dismissed. Govindarajulu's wife G.Kanagarajulu had also filed O.S.No.54 of 2005 and O.S.51 of 2009 before Poonamallee and Ambattur courts and the said suits were also dismissed for non prosecution.
7. In the meantime, the 3rd Respondent had been falsely claiming that she should be provided right of way through the Appellant's property on the south.
8. The Appellant had submitted petition dated 11.09.2023 with relevant documents before the 1st Respondent and sought for correcting the revenue records and Town Survey records to remove the reference to 'street' as against the Appellant's property.
9. In this regard the Taluk Surveyor Avadi Taluk did survey of the Appellant's property and the 3rd Respondent's property and submitted Report dated 04.01.2025 categorically giving finding that the Appellant's entire extent of 9 cents is in patta land and it has been wrongly mentioned as 'Street' in the Town Survey records and the same had to be rectified. Based on the Surveyor's detailed report, the 2nd Respondent had submitted her Report dated 06.01.2025 to the 1st Respondent. The Appellant had also appeared for enquiry and submitted further documents in support of his case.
10. The 1st Respondent had passed order dated 28.02.2025 in Na.Ka.No.6505/2025/A5 which was received by the Appellant by post on 08.03.2025.

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11. The 1st Respondent having clearly extracted the Reports of the subordinate Revenue Officials and having rightly concluded that the Appellant's property is in patta lands, however committed serious error in directing corrections in T.S.No.2/1 corresponding to Old S.No.35/1 only for a lesser extent of Acre 0.06 Cents without any valid reason and had omitted to provide relief to the Appellant for the remaining 0.03 Cents of the Appellant. Further the 1st Respondent had also not considered issuance of Patta to the Appellant.

12. Hence the Appellant is constrained to file this appeal before this Forum. The appeal is in time.

GROUND S

(a) The 1st Respondent having referred to the 2nd Respondent's Report dated 06.01.2025 was wrong in directing Special Tahsildar, Urban Land Updating Scheme Avadi to correct the records for Acre 0.06 Cents in S.No.35/1 only and not for the entire extent of Acre 0.09 Cents.

(b) The 1st Respondent having clearly extracted in page 5 of the impugned order that the Appellant's Acre 0.09 cents is split up in Old S.Nos.35/1 & 35/2 was not right in restricting the directions only for Acre 0.06 cents.

(c) The 1st Respondent has failed to appreciate in proper perspective the Report dated 04.01.2025 of the Taluk Surveyor as well as the Report dated 06.01.2025 of the 2nd Respondent.

(d) The 1st Respondent ought to have at least issued direction in respect of Acre 0.06.67 Cents as referred to in the impugned order itself instead of mentioning Acre 0.06 Cents.

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- (e) The 1st Respondent's operative portion of the impugned order in so far as it directs removal of alleged encroachment in T.S.No.82/2 corresponding to Old S.No.35/2 is concerned is hazy, ambiguous and unclear. The 1st Respondent has failed to appreciate that such directions without clarity would only lead to the authorities misusing the impugned order and threatening to demolish the Appellant's property which is exactly the apprehension of the Appellant.
- (f) The 1st Respondent has committed serious error in not directing issuance of T.S.Patta for the Appellant even with regard to the said Acre 0.06 Cents for which the 1st Respondent has decided in favour of the Appellant.
- (g) The 1st Respondent has not considered the scope of the issue in proper perspective.
- (h) The Appellant had applied to the 1st Respondent for correcting the mistake of reference as 'street' in Town Survey records and issuance Town Survey Patta to the Appellant. In this background, the direction in the impugned order by the 1st Respondent to Commissioner Avadi Corporation to remove the alleged encroachment in T.S.No.82/2 corresponding to old S.No.35/2 is totally unwarranted and beyond the scope of the issue pending before the 1st Respondent. Without identifying the alleged Street and its location the abovesaid direction of the 1st Respondent would only lead to chaos and complications was lost sight of by the 1st Respondent.



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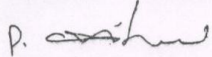
- (i) For the aforesaid reasons and more the impugned order of 1st Respondent
• is liable to be set aside.

13. The Appeal is in time. There is no statutory bar against the Appellant preferring the appeal. The aforesaid documents and records are filed as enclosures along with this appeal.

14. For the reliefs sought for in this appeal, the Appellant has not filed any other writ or other proceedings before any court.

The Appellant therefore prays that the DISTRICT REVENUE OFFICER, THIRUVALLUR may be pleased to call for the records from the 1st Respondent and modify the order dated 28.02.2025 in Na.K.No.6505/2025/A5 thereby directing the Special Tahsildar, Urban Land Updating Scheme Avadi to correct Town Survey Records for the entire Acre 0.09 Cents of the Appellant situate in old S.No.35/1A and S.No.35/2A2 Muthaputhupet Village, Avadi Taluk, Thiruvallur District and further direct issuance of Patta to the Appellant for the aforesaid lands and pass such further or other orders and thus render justice.

Dated at Thiruvallur on this the 4th day of April 2025.

P. 

APPELLANT



COUNSEL FOR APPELLANT

Enclosures :-

As per the type set of records.

Dated at Thiruvallur on this the 4th day of April 2025.



COUNSEL FOR APPELLANT



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4. Learned State Counsel submits that the aforementioned revision is a statutory revision under Section 13 of the Tamil Nadu Patta Pass Book Act, 1983 (Tamil Nadu Act 4 of 1986) and the District Revenue Officer is in seizen of the matter and that it will be considered on its own merits and in accordance with law. This submission of learned State Counsel is recorded and we are of the considered view that this will suffice to give a closure to the captioned WP.

5. For the sake of convenience, we deem it appropriate to suo-motu implead the District Revenue Officer, Tiruvallur as R6. Accordingly, the District Revenue Officer, Tiruvallur, is impleaded as R6 in the captioned WP. Mr.T.K.Saravanan, learned Additional Government Pleader, accepts notice for R6 also. Let R6 proceed with the aforementioned statutory revision (styled as an appeal) on its own merits and in accordance with law and make an order as expeditiously as the official business of R6 would permit. We make it clear that all rights and contentions of writ petitioner and other parties to the statutory revision stand preserved untrammelled by this order.



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Captioned WP is disposed of in the aforesaid manner. Consequently,

captioned Writ Miscellaneous Petition is disposed of as closed. There shall be no order as to costs.

(M.S.J.,)

(P.D.B.J.,)

09.06.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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M.SUNDAR, J.,



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**and
P.DHANABAL, J.,**

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