



WEB COPY



W.P.No.35919 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.35919 of 2024
and
W.M.P.No.38795 of 2024

M.Ganesan

... Petitioner

Vs.

1.The District Collector
Collectorate Thirupathur District

2.The Revenue Divisional Officer
Collectorate, Thirupathur District

3.The Tahsildar
Office Of The Tahsildar, Natrampalli Taluk,
Thirupathur District

4.The Sub Registrar
Office Of The SRO, Natrampalli, Natrampalli Taluk,
Thirupathur District

5.M.Kannan Alias Chakkravarthi

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Certiorarified Mandamus, calling for the
records relating to the impugned order in Na.Ka.No.B1/1819/2024 dated
6.11.2024 on the file of the 3rd respondent and quash the same and



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consequently direct the 3rd respondent to rectify the measure of land in Survey No.221/3 to an extent of 1 acre 25 cents by vide the Sale Deed Document No.4207 of 1950 dated 16.10.1950 on the file of the SRO Thirupathur, instead of 89 cents (0.36.00 hectares) as wrongly stated in the Patta No.154.

For Petitioner : M/s.S.Arokia Mani Raj

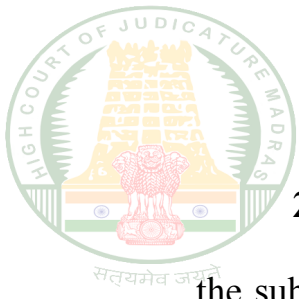
For Respondents : M/s.P.Satish, AGP
for R.1 to R.4.

: R.5- served, No appearance

ORDER

The writ petition is filed for the following reliefs:-

"calling for the records relating to the impugned order in Na.Ka.No.B1/1819/2024 dated 6.11.2024 on the file of the 3rd respondent and quash the same and consequently direct the 3rd respondent to rectify the measure of land in Survey No.221/3 to an extent of 1 acre 25 cents by vide the Sale Deed Document No.4207 of 1950 dated 16.10.1950 on the file of the SRO Thirupathur, instead of 89 cents (0.36.00 hectares) as wrongly stated in the Patta No.154."



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2. The petitioner would submit that his grandmother had purchased the subject property in S.No.221/3 measuring an extent of 1.25 acres vide the sale deed dated 16.10.1950. After the demise of his grandmother, grandfather and father, the subject property devolved on the petitioner and the revenue records were also mutated in his name. Patta No.154 in respect of the subject property has been issued in the name of the petitioner by the 3rd respondent.

3. The petitioner would submit that the respondents had wrongly entered the measurements of the land as 0.36.00 ares (89 cents) instead of 1.25 acres in the Patta, A- Register and Patta Passbook.

4. Thereafter, to rectify the mistakes, the petitioner had submitted an application dated 19.12.2023 to the respondents in Form VI under Rule 12 of the Patta Pass Book Act, 1983. The said application was received by the respondents on 22.10.2023. After the receipt of the application, the 1st respondent directed the 3rd respondent to take action on the petitioner's application. However, no action has been taken by the 3rd respondent in this regard. Aggrieved by the same, the petitioner had filed W.P.No.3633 of 2024. This Court by order dated 16.02.2024 had directed the 3rd respondent



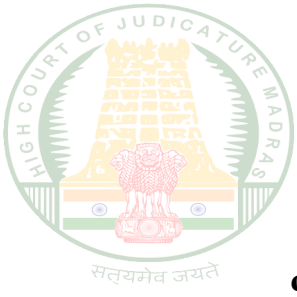
to consider the application of the petitioner dated 19.12.2023 and pass orders.

5. Thereafter, the 3rd respondent without verifying the original parent sale deed of the subject property, passed the impugned order stating that the subject Survey Number 221/3 measures only 89 cents instead of 1 acre and 25 cents. Therefore, the petitioner is before this Court.

6. The 5th respondent has been served on 07.11.2024. However, he has not chosen to enter appearance in the above proceedings. Therefore, the Writ Petition is taken up for hearing.

7. Heard the learned counsel for the petitioner and the learned AGP accepting notice for respondents 1 to 4.

8. After hearing the learned counsel for the petitioner and Mr.P.Sathish, learned AGP appearing for respondents 1 to 4, it appears that there has been a total non-application of mind on the part of the 3rd respondent while passing the impugned order as the subject property has been measured based on the disputed documents without considering the original parent sale deed.



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9. Therefore, the Writ Petition is allowed and the impugned order is set aside. The matter is remitted back to the 3rd respondent to conduct a fresh survey of the land as per the documents of title of the petitioner, after issuing notice to the 5th respondent and hearing his objection.

10. The said exercise shall be completed within a period of 2 months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

03.01.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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Collectorate Thirupathur District



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