



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 38752 of 2024
W.M.P.No.41963 of 2024

A.Rajendran

..Petitioner(s)

Vs

1. The District Revenue Officer
Office of the District Revenue Officer
Namakkal Taluk, Namakkal District.
2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Tirchengode Taluk, Namakkal District.
3. The Thashildar
Officer of The Thashildar,
Paramathy Taluk, Namakkal District

4. P. Subramani

..Respondent(s)

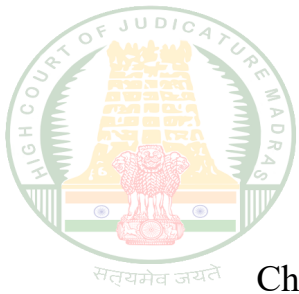
Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the first respondent herein PA. Mu 37301 / 2023 / O2 dated 23.09.2024 by confirming the order of second respondent herein passed in PA. Mu. 3806 / 2023 / U dated 21.08.2023 and quash the same and consequently direct the respondents 1 to 3 to change the revenue records in Survey No.908 / 3 part of northern side east to West as common passage.

For Petitioner(s):

Mr.M.Muruganantham for
Mr.S.Varanesh

For Respondent(s):

Mr.J.K.Saravanan
Additional Government Pleader for R1 to R3
R4- No appearance



ORDER

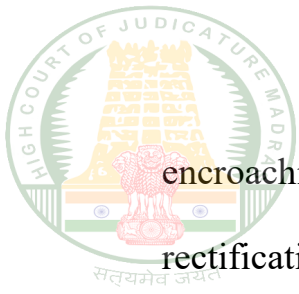
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Challenge was made against the order passed by the first respondent in PA. Mu 37301 / 2023 / O2 dated 23.09.2024 confirming the order passed by the second respondent in PA. Mu. 3806 / 2023 / U dated 21.08.2023.

2.The case of the petitioner is that he is the absolute owner of the property comprised in Patta No.232, Natham New Survey No.908/2, measuring an extent of 0.00535sqare meter situated at Jedarpalayam Village, Paramathy Taluk, Namakkal District. According to the petitioner, a common pathway runs through Survey No.908/3 on the Northern side, extending from East to West.

3.The learned counsel for the petitioner submits that the fourth respondent, a relative of the petitioner purchased property in Natham Survey No.908/3 measuring an extent of 814 sqft vide Document No.857 of 1985. The sale deed explicitly describes the boundary as an East to West is pathway. It is alleged that the fourth respondent suppressed this fact and erroneously obtained a patta in his name that includes the said pathway, totalling an extent of 0.0108 square metre (approximately 1162 sqft).

4.The petitioner's grievance is that while the fourth respondent's title is limited to 814 sqft, the official respondents issued a patta for a larger extent by



encroaching upon the common pathway. When the petitioner sought a rectification, the first respondent passed the impugned order directing the petitioner to approach the Civil Court. The learned counsel contends that since the error was committed by the official respondents in issuing a patta contrary to the registered sale deed, it is their duty to rectify it, rather than relegating the parties to civil litigation.

5. Though notice was served on the fourth respondent, no appearance has been entered on their behalf.

6. The learned Additional Government Pleader appearing for the official respondents submits that the impugned order merely refused the petitioner's application for cancellation of the patta, as there were no adverse orders passed directly affecting the petitioner.

7. Considered the rival submissions and perused the materials available on record.

8. By virtue of sale deed dated 23.09.1985, the fourth respondent purchased the property to an extent of 814 sqft only. The remaining extent of 348 sqft appears to be a common pathway used by the petitioner, fourth respondent and the general public. It is observed that the patta has been issued



to the fourth respondent including this 348 sqft. common pathway. When passing the impugned order, the first respondent ought to have scrutinized the title documents. If the fourth respondent's purchase is restricted to 814 sqft, he is entitled to a patta for that extent alone. If a patta is issued for an extent exceeding the registered conveyance, the authorities are required to reconsider the same by conducting a physical measurement and survey of the properties.

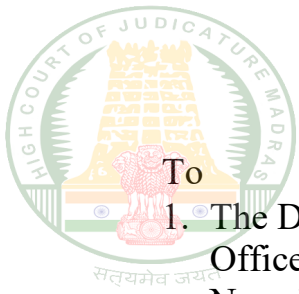
9. In view of the above, the impugned order dated 23.09.2024 in PA. Mu 37301 / 2023 / O2 is set aside and the matter is remanded to the first respondent for fresh consideration. The first respondent is directed to:-

- i) Conduct a physical survey and measurement of the subject properties in Natham survey Nos. 908/2 and 908/3, if necessary.
- ii) verify the boundaries as per the parent document No. 857 of 1985.
- iii) pass a fresh order on merits and in accordance with law, after providing a fair opportunity of hearing to both the petitioner and the fourth respondent.

10. Accordingly, the Writ Petition is allowed with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

01-04-2026

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To

1. The District Revenue Officer
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2. The Revenue Divisional Officer
Office of The Revenue Divisional Officer
Tiruchengode Taluk, Namakkal District.
3. The Thashildar
Officer Of The Thashildar Paramathy Taluk,
Namakkal District.
4. The Public Prosecutor
High Court of Madras.



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KRISHNAN RAMASAMY, J.

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