



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 26046 of 2017

V.Natesan

... Petitioner

-vs-

The Tahsildar,
Taluk Office,
Krishnagiri,
Krishnagiri District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to consider the petitioner's representation dated 26.07.2017 and consequently direct the respondent to grant Patta to the petitioner and his brothers in respect of the properties bearing Survey Nos.76&86/1 to the extent of 2.69 acres situated at Katheri Kalvehalli Village, Krishnagiri Taluk and District.

For Petitioner : Mr.E.Kannadasan

For Respondent : Ms.Akila Rajendran

Counsel for Government

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 26.07.2017 and consequently direct the respondent to grant Patta to the petitioner and his brothers in respect of the properties bearing Survey Nos.76&86/1 to the extent of 2.69 acres situated at Katheri Kalvehalli Village, Krishnagiri Taluk and District.

2. The case of the petitioner is that, the property in Survey Nos.76&86/1 to the extent of 2.69 acres situated at Katheri Kalvehalli Village, Krishnagiri Taluk and District belongs to the father of the petitioner one Vellaipiriyar, who died leaving behind five of his sons including the petitioner.

3. After the demise of the father of the petitioner, the brothers wanted to effect a partition among themselves in respect of the property in question belongs to his father and therefore, in order to identify the four boundaries of the property in question, they wanted to measure the land to identify the four boundaries, so as to enable the brothers to effectually undertake the partition. Therefore, the petitioner in this regard has given a representation to the respondent / Tahsildar on 26.07.2017 to survey the land to identify the four boundaries. However, the said request according to the petitioner had not been considered. Therefore, he has approached this Court by filing the present Writ Petition with



the aforesaid prayer.

4. Heard Mr.E.Kannadasan, learned counsel appearing for the petitioner, who having reiterated the aforesaid would seek indulgence of this Court to issue Mandamus to the respondent to act upon with the representation of the petitioner within a time frame that may be stipulated by this Court.

5. Heard Ms.Akila Rajendran, learned Counsel for the Government appearing for the respondent, who would submit that, if at all, the representation has already been given as claimed by the petitioner in the year 2017 seeking for surveying the land of the petitioner as well as his brothers, the said representation would be considered, wherein, a limited enquiry would be conducted among the brothers and accordingly, after collecting the necessary fee either from the petitioner or jointly from the brothers, the needful would be undertaken to survey the land in question within a time frame that may be stipulated by this Court.

6. Having recorded the said submissions made by the learned counsel appearing for the parties and by taking into account the aforesaid factual matrix as projected by the learned counsel appearing for both sides, this Court is inclined to dispose of this Writ Petition with the following orders:

"That there shall be a direction to the respondent to consider the representation of the petitioner dated 26.07.2017 and to conduct the limited enquiry as to the claim made by the petitioner for measuring the land in question and accordingly, after hearing both the petitioner as well as the brothers of the petitioner, who are the co-sharers / owners of the property in question, shall decide to measure the land and if it is decided by the respondent, after collecting the necessary fee, the needful shall be undertaken in the presence of all the joint owners of the property including the petitioner and the same shall be undertaken within a period of twelve weeks from the date of receipt of a copy of this order."

7. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar



To

The Tahsildar,
Taluk Office,
Krishnagiri,
Krishnagiri District.

+lcc to Mr.E.K.Kannadasan, Advocate, S.R.No.28469
+lcc to the Government Pleader, S.R.No. 28523

W.P. No. 26046 of 2017

PL(CO)
GN(20/07/2021)