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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.11815 OF 2022

M.Balaraman

... Petitioner

Vs.

The Tahsildar,
The Taluk Office, Arni,
Thiruvannamalai District,
Tamil Nadu 632 301.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus directing the respondent to survey the land in S.F.No.253/1A0, 253/4 and 253/14, in patta no.1720.

For Petitioner : Mr.Dharanikasinathan

For Respondents : Mr.R.P.Murugan Raja,
Government Advocate

Order

This petition has been filed for issuance of writ of Mandamus to direct the respondent to survey the land in S.F.No.253/1A0, 253/4 and 253/14, in patta no.1720.

2. The case of the petitioner is that his family owns ancestral property situated at Irumbedu Village, Arni Taluk, Thiruvannamalai District in Joint patta no.1720, measuring an extent of 4.15 acres of vacant land and to know the boundaries and the exact extent of the land, the petitioner approached the respondent / Tahsildar and made application to survey and mark the boundaries of the above said land and paid the fee fixed by the Government, however the respondent till date had not taken any initiative to survey the land. While being so, on



02.02.2021, the respondent sent a reply letter stating that since the petitioner's land is a joint holding, they cannot do the survey without family partition. Aggrieved by the same, the petitioner is before this Court.

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3. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the respondent to survey and measure the above extent of land.

4. The learned Government Advocate appearing for the official respondents has submitted that the respondent is unable to do the survey and measurement of the said land without family partition, since it is an ancestral property and hence prays for dismissal of this petition.

5. In view of the aforesaid submissions, this Court considering the facts and circumstances of the case and without expressing any opinion on the merits of the case permits the petitioner to give a fresh application to the respondent to survey the land, furnishing the details of all the legal heirs who are entitled to the property, within a period of two weeks from the date of receipt of a copy of this order and based on the said representation, the respondent is directed to consider the same within a further period of six weeks, after affording an opportunity of hearing to the petitioner as well as other legal heirs, to survey the property and if there is no objections, the respondent shall survey the property and pass appropriate orders.

6. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar,
The Taluk Office, Arni,
Thiruvannamalai District,
Tamil Nadu 632 301.

+1cc to the Government Pleader, S.R.No.33707

W.P.No.11815 of 2022

SV(CO)
RLP(23/06/2022)