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W.P.No.29450 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.29450 of 2022

P.V.Subramani

... Petitioner

Vs.

1.The Tahsildar,
Uthangarai Taluk,
Krishnagiri District.

2.The Head Surveyor,
Office of the Uthangarai Taluk Officem
Uthangarai Taluk, Krishnagiri District.

3.The Surveyor (Land),
Panamarathupatti (Kallavi) Villagem
Uthangarai Taluk, Krishnagiri District.

4.The Village Administrative Officer,
Panamarathupatti (Kallavi) Village,
Uthangarai Taluk, Krishnagiri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider his application dated 05.10.2021 in order to measure his land to an extent of 1060 Sq.ft. out of 2160 Sq.ft. of item No.8 of the “B” Schedule property, comprised in New S.No.237/17 (Old Survey No.96), situated at Panamarathupatti Village, Kallavi, Uthangarai Taluk, Krishnagiri District by furnishing the Survey Report thereby fixing boundaries within a stipulated



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time fixed by this Court.

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For Petitioner : Mr.N.Vijaya Basker

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider his application dated 05.10.2021 in order to measure his land to an extent of 1060 Sq.ft. out of 2160 Sq.ft. of item No.8 of the “B” Schedule property, comprised in New S.No.237/17 (Old Survey No.96), situated at Panamarathupatti Village, Kallavi, Uthangarai Taluk, Krishnagiri District by furnishing the Survey Report thereby fixing boundaries within a stipulated time fixed by this Court.

2.The case of the petitioner is that the property originally belongs to his ancestors, his family members had partitioned the property among themselves and the same was registered as Doc.No.2143 of 1974 dated 28.11.1974 with S.R.O. Uthangarai. In the said partition deed, the petitioner was allotted item No.1 to 8 of the “B” Schedule property measuring to an extent of 2160 Sq.ft. In order to sell a part of the said property to an extent of 1060 Sq.ft. to third parties, the petitioner made an application dated



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28.09.2020 to respondents 1 to 3 to measure the property to an extent of 1060 Sq.ft. in the above said property. While so, the respondents again directed the petitioner to file a fresh application. Accordingly, a fresh application dated 05.10.2021 was made by the petitioner to measure the above said land to an extent of 1060 Sq.ft. out of 2160 Sq.ft. However, till date, the respondents has not passed any order. Hence, the petitioner filed the present Writ Petition.

3.The learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the respondents 1 to 3 to measure his land to an extent of 1060 Sq.ft. out of 2160 Sq.ft. of item No.8 of the “B” Schedule property, comprised in New S.No.237/17 (Old Survey No.96), situated at Panamarathupatti Village, Kallavi, Uthangarai Taluk, Krishnagiri District by furnishing the Survey Report thereby fixing boundaries and pass appropriate orders.

4.Mr.U.Bharanidharan, learned Additional Government Pleader, appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.



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5.In view of the above, this Court, without expressing any opinion on the merits of the case, directs the respondents 1 to 3 to consider the petitioner's representation dated 05.10.2021 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the private respondent herein, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above observations and direction, this Writ Petition is disposed of. No costs.

08.11.2022

Index : Yes / No
Speaking order: Yes/ No
gba

To

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Uthangarai Taluk, Krishnagiri District.

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M.DHANDAPANI, J.

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