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W.P.No.3234 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.3234 of 2023

Porappa Gowndar

... Petitioner

-Vs-

1. The Assistant Director of Survey,
Collectorate Office – Krishnagiri District.

2. The Tahsildar, Taluk Office,
Krishnagiri – 635 001.

3. The Firka Surveyor,
Periyannan Kottai Village,
Krishnagiri Taluk and District.

4. The Village Administrative Officer,
Periyannan Kottai Village,
Krishnagiri Taluk and District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the concerned respondents to measure the properties in the Survey No.213/3B as per the oral partition and possession and enjoyment of the petitioner and consider the application for measuring the land dated 26.09.2022.

For Petitioner : Dr.G.Babu

For Respondents : Mr.P.Sathish
Additional Government Pleader



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ORDER

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2. In respect of the land at S.No.213/3B at Karadihalli Village, Krishnagiri Taluk and District, the petitioner claims that it has been allotted to the petitioner by way of oral partition among the other co-owners and based on which, the petitioner since was allotted the property, he wants to survey the said land and to identify the four boundaries of the petitioner's property for the purpose of getting separate patta. In this regard, the petitioner has already given an application on 26.09.2022 and necessary fee also claimed to have been paid. The said application submitted by the petitioner was in fact forwarded by the first respondent to the Tahsildar concerned, who is the second respondent for taking necessary action.

3. Only at this juncture, the petitioner has moved the present writ



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petition.

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4. Heard Dr.G.Babu, learned counsel appearing for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents.

5. Learned Additional Government Pleader would submit that, if at all the petitioner claims that the property in question has been allotted to the petitioner by way of oral partition, the second respondent Tahsildar by considering the application submitted by the petitioner would issue notice to both the petitioner as well as the other co-owners and after ascertaining their views, if no objection is given by the other co-owners, accepting the oral partition, the second respondent Tahsildar along with the surveyor would survey the land and it would be completed within a time frame that may be stipulated by this Court, he contended.

6. Having regard to the said stand taken by the learned Additional Government Pleader appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the second respondent Tahsildar



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to consider the application of the petitioner dated 26.09.2022 and after ascertaining the views of the petitioner as well as the other co-owners of the property in question, which according to the petitioner has been allotted to the petitioner by way of oral partition among the members of the family, the needful to survey the land in question shall be undertaken by the second respondent Tahsildar and it should be completed within a period of eight(8) weeks thereafter.

- ◆ In this regard, it is made clear that whether the petitioner has paid the necessary fee has to be verified and after receipt of the fee only, the needful as indicated above shall be undertaken by the second respondent Thasildar.

With this direction, this writ petition is disposed of. No costs.

06.02.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp

To

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R. SURESH KUMAR, J.

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