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W.P.No.9484 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.9484 of 2023

B.Prasad

... Petitioner

Vs.

1. The Tahsildar,
Hosur Taluk, Hosur,
Krishnagiri District.

2. The Inspector of Police,
HUDCO Police Station,
Hosur.

3. Annapoorna

... Respondents

** R3 suo moto impleaded by this Court vide order dated 28.03.2023*

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's online application dated 07.02.2023 and survey the land situated in S.Nos.530/2, to the extent of 7 ½ cents, Hosur Town, Krishnagiri District and lay the boundary stones.



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For Petitioner : Mr.A.Rajkumar

For Respondents : Mr.P.Sathish,
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's online application dated 07.02.2023, within a stipulated time.

2. Mr.P.Sathish, learned Additional Government Pleader, takes notice for the respondents 1 and 2. By consent of both sides counsel, this Writ Petition is taken up for passing orders at the stage of admission itself.

3. It is averred in the writ petition that the land property measuring an extent of 3.92 ½ acre, situated in S.Nos.530/2, Hosur Town, Krishnagiri District is the ancestral property of the petitioner. While so, the said land was subjected to acquisition proceedings and an extent of 3.85 acres was acquired by the Tamil Nadu Housing Board and the remaining portion of land measuring 7 ½ cents stands in the name of the petitioner's father. After the death of the



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petitioner's father, the petitioner and his brother Sridhar Prasad were in possession of the above said land. However, due to sickness, the petitioner's brother died in the year 2004. Thereafter, the petitioner and the wife of the petitioner's brother Mrs.Annapoorna became the absolute owners of the above property.

4. The petitioner would submit that the petitioner and the impleaded third respondent decided to create partition in the above property equally. For the said purpose, the petitioner had made an application on 07.02.2023 through online to the first respondent requesting to survey the land. The petitioner also paid the necessary charges for the said process.

5. According to the learned counsel for the petitioner, till date, no action has been taken by the respondents for conducting survey of the petitioner's land. It is the grievance of the petitioner that some unknown persons are trying to occupy the said land illegally. Since the online application filed by the petitioner has not been considered, the present Writ Petition has been filed for a direction to the respondents to act upon online application.

6. Mr.P.Sathish, learned Additional Government Pleader, appearing on



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behalf of the respondents submitted that eight weeks time may be stipulated to the respondents to consider the request of the petitioner and for passing necessary orders.

7. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the title over the property, directs the respondents to consider the petitioner's online application dated 07.02.2023 and act on the petitioner's online application, after affording sufficient opportunity to the impleaded third respondent to putforth her objections, is any, in accordance with law, within a period of eight (08) weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs.

28.03.2023

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Index : Yes / No

Internet: Yes / No

Speaking / Non-Speaking Order

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J.NISHA BANU, J.,

sts

Order made in
W.P.No.9484 of 2023

Dated:
28.03.2023