



WEB COPY

W.P.No.8710 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.8710 of 2024

Porappa Gowndar

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Petitioner

versus

1.The District Collector,
Collectorate,
Krishnagiri - 635 115.

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.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the concerned respondents to measure the properties in the Survey No.210/3B, at Karadihalli Village, Krishnagiri Taluk & District, as per the oral partition, possession and enjoyment of the petitioner and consider the application for measuring the land dated 03.06.2023.

For Petitioner

:

Dr.G.Babu



For Respondents : Mr.A.Selvendran
Special Government Pleader

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ORDER

This Writ Petition has been filed to direct the concerned respondents to measure the properties in the Survey No.210/3B, at Karadihalli Village, Krishnagiri Taluk & District, as per the oral partition, possession and enjoyment of the petitioner by considering the application of the petitioner dated 03.06.2023.

2. In respect of the land at S.No.210/3B 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 03.06.2023 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 Petition.

4. Heard Dr.G.Babu, learned counsel appearing for the petitioner and Mr.A.Selvendran, 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:



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◆ That there shall be a direction to the second respondent Tahsildar to consider the application of the petitioner dated 03.06.2023 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.

7. With this direction, this Writ Petition is disposed of. No costs.

Speaking order / Non-speaking order

02.04.2024

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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