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W.P. No. 25200 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.09.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P. No.25200 of 2024

G.Arulmozhi

..Petitioner

Vs.

1.The Tahsildar
Gudiyatham Taluk
Gudiyatham
Vellore District

2. The Taluk Surveyor
Taluk Office
Gudiyatham Taluk
Gudiyatham
Vellore District.

3. The Village Administrative Officer
Seruvangi Village
Gudiyatham Taluk
Vellore District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent in her office proceedings Na.Ka.P1/5789/2023 dated 17.5.2024 quash the same and directing the



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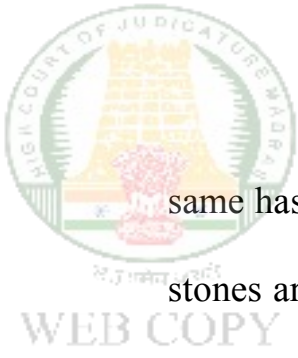
respondents 1 and 2 to measure 1 acre of land comprised in S.No.31/,Seruvangi village, Gudiyatham Taluk, Vellore district fix the boundaries, effect sub division and issue separate patta to the petitioner, his brothers and sisters jointly within the time

For Petitioner : Mr.P.Mani
For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

Challenging the order passed by the 1st respondent refusing to effect sub-division of the property settled in favour of petitioner's father, Gajendran, the petitioner has come before this Court.

2. According to the petitioner, the land with an extent of 1 acre 30 cents situated in Survey No.31/7 at Kalleri road, Kondasamuthiram, Gandhi Nagar, Gudiyatham Taluk, Vellore District originally belonged to one Lakshmi Ammal, the great grand mother of the petitioner. She executed a settlement deed settling 1 acre out of 1 acre and 30 cents in Survey No.31/7 in favour of petitioner's father, Gajendran. The petitioner submitted an application seeking sub-division of the property settled in favour of his father, Gajendran and the



same has been negatived by the 1st respondent on the ground that no boundary stones are available for the property in possession of the petitioner. Aggrieved by the same, the petitioner is before this Court.

3. The request of the petitioner was mainly negatived by the 1st respondent on the ground that there was no boundary stones for 1 acre settled in favour of the petitioner's father. The said reasoning is unsustainable on the face of it. It is not disputed that total extent available in Survey No.31/7 is 1 acre and 30 cents. The petitioner wants sub-division of 1 acre settled in favour of his father, Gajendran as per the settlement deed dated 30.07.1958. If the property settled in favour of petitioner's father was already sub-divided and the boundary stones are fixed, absolutely there is no necessity for the petitioner to seek sub-division of the property again. Since the portion of the property settled in favour of petitioner's father, Gajendran was not sub-divided after settlement in his favour, the petitioner seeks sub-division of the 1 acre. Therefore, it is for the 1st respondent to identify the Survey No.31/7 and then, find out the 1 acre settled in favour of petitioner's father, Gajendran with reference to the boundary description found in the title document of the



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parties. Instead of undertaking the said exercise, the 1st respondent rejected the request of the petitioner on the ground that boundary stones are not fixed for 1 acre settled in favour of the petitioner's father. Therefore, the reasoning assigned by the 1st respondent is unsustainable and accordingly, the order impugned in this writ petition is set aside. The 1st respondent is directed to consider the request of the petitioner for effecting sub-division of 1 acre settled in favour of petitioner's father with reference to the revenue documents pertains to Survey No.31/7 and the settlement deed executed in favour of petitioner's father and pass final orders on merits after issuing necessary notice to the petitioner and all other interested parties within a period of twelve weeks from the date of receipt of copy of this order.

4. With the above directions, this writ petition stands allowed. No costs.

09.09.2024

Index : Yes/No
Neutral Citation : Yes/No
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