



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.14223 of 2016

P.Durairaj

... Petitioner

-vs-

1.The Tahsildar,
Alangulam Taluk,
Tirunelveli District.

2.The Head Surveyor,
Alangulam Taluk,
Tirunelveli District.

3.The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus by directing the respondent Nos.1 & 2 to survey, demarcate and record the boundaries of petitioner's properties situated at survey Nos.269/13, 269/17 and 269/18 Iynthankattalai Village, Alangulam Taluk, Tirunelveli District in pursuance to the payment being made in this regard through banking challan vide Challan No.5712016 dated 19.07.2016 with the assistance of the 3rd respondent as expeditiously as possible with in the time limit as prescribed by this Court.

For Petitioner : Mr.R.Anand
For Respondents : Mr.D.Muruganandam
Addl. Govt. Pleader

O R D E R

This writ petition has been filed seeking a direction to the first and second respondents to survey, demarcate and record the boundaries of petitioner's properties situated at survey Nos.269/13, 269/17 and 269/18, Iynthankattalai Village, Alangulam Taluk, Tirunelveli District, pursuant to the payment being made in this regard through Challan No.5712016 dated 19.07.2016 with the assistance of the third respondent.



2.Mr.D.Muruganandam, learned Additional Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.The learned counsel appearing for the petitioner would submit that already a civil suit is pending between the petitioner and his brother with regard to the property in question. Pending suit, the brother of the petitioner tried to make construction in the disputed property and therefore, both of them have decided to survey the said property, for which, the petitioner has given a representation to the third respondent to provide police protection. As the same has not been considered so far, the petitioner is before this Court.

5.The learned counsel would further submit that as per Section 10(1)(2) of the Tamil Nadu Survey and Boundaries Act, 1923, the respondents 1 and 2 are authorised to survey the land and the Surveying Officer can get assistance of police officials. He would further contend that necessary fee has already been paid on 19.07.2016 for surveying the said property.

6.Section 10(1)(2) of the Tamil Nadu Survey and Boundaries Act, 1923 reads as follows:

"Power of survey officer to determine and record a disputed boundary.- (1) Where a boundary is disputed, the survey officer, after making such inquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision. The survey officer shall record in writing the reasons for his decision.

(2) Notice to parties to the dispute and to registered holders of land affected.- Notice of every decision of the survey officer under Section 10(1) shall be given in the prescribed manner to the parties to the dispute and other registered holders of the lands the boundaries of which may be affected by the decision."

7.Under such circumstances, the second respondent is directed to fix the day for surveying the property, strictly following Section 10(1)(2) of the said Act. On the date fixed for



8.The Writ Petition is disposed of with the above direction.

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Sd/
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar.

To

1.The Tahsildar,
Alangulam Taluk,
Tirunelveli District.

2.The Head Surveyor,
Alangulam Taluk,
Tirunelveli District.

3.The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

+1CC to M/S.R.Anand, Advocate, SR.No. 44730

W.P (MD) No.14223 of 2016

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AM/GSV.PM/24.08.2016/3P/5C