



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.(MD) No.16046 of 2016

Rahmath Bivi

... Petitioner

Vs.

1. The Tasildhar,
Natham Taluk,
Dindigul District.

2. The Executive Officer,
Selection Grade Panchayat,
Natham, Dindigul District.

3. The Inspector of Police,
Natham Police Station,
Dindigul District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, seeking to direct the 1st respondent to measure the property of the petitioner in R.S.No.366/3A-1 (R.S.No.440/19) Iyanvelampatti Village, Natham Taluk and Dindigul District and fix survey stones based on the representation submitted by the petitioner dated 20.06.2016 and further directing the 3rd respondent to provide police protection at the time of measuring the property afore mentioned.

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

O R D E R

This petition has been filed, seeking a direction to the 1st respondent to measure the property of the petitioner in R.S.No.366/3A-1 (R.S.No.440/19) Iyanvelampatti Village, Natham Taluk and Dindigul District and fix survey stones based on the representation submitted by the petitioner dated 20.06.2016 with further direction to the 3rd respondent to provide police protection at the time of measuring the afore mentioned property.

<https://hcservices.courts.gov.in/hcservices/> The learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. The case of the petitioner is that the petitioner purchased the property (house site) in R.S.No.366/3A-1, Iyanvelampatti Village, Natham Taluk and Dindigul District, measuring to an extent of 3 cents by virtue of registered sale deed dated 26.09.1974; thereafter, her property was sub-divisioned and assigned a new survey number as R.S.No.440/19; when her son wanted to construct the property, the survey stones on the South West and South East corner were unidentifiable and therefore, she made a representation to the 1st respondent on 20.06.2016 for measurement of her property; the 1st respondent refused to measure the property on the ground that the 2nd respondent Panchayat is objecting for measuring the land and therefore, she made a representation to the 3rd respondent for providing police protection at the time of measuring of the property and since the same was not considered so far, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that as per Section 10(1)(2) of the Tamil Nadu Survey and Boundaries Act, 1923, the Surveyor is 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 20.06.2016 for surveying the said property and the 1st respondent may be directed to depute a Surveyor for the said purpose.

5. 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."

6. Under such circumstances, the first respondent is directed to depute a Surveyor for survey of the property in question and on such deputation, the deployed Surveyor shall give notice to the petitioner as well as to the parties covered under Section 10(2) extracted supra and fix the day for surveying the property,



strictly following Section 10(1)(2) of the said Act. On the date fixed for survey, the third respondent shall offer necessary protection.

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

Sd/-
Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

To:

1. The Tasildhar,
Natham Taluk,
Dindigul District.
2. The Executive Officer,
Selection Grade Panchayat,
Natham, Dindigul District.
3. The Inspector of Police,
Natham Police Station,
Dindigul District.

+1cc to M/s.R.Balakrishnan, Advocate Sr.No.47620
+1cc to special Government Pleader SR.NO.47480

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