



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:15.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.13464 of 2013

WEB COPY

D.Senthilvel

.. Petitioner

Vs.

1.The Regional Deputy Director,
Land Survey and Records Department,
Thiruchirappalli -1.

2.The District Collector,
Collector Office, Thanjavur district.

3.The District Revenue Officer,
Thanjavur, Thanjavur District.

4.The Assistant Director of Land Survey,
Land Survey and Records department,
Thanjavur District.

5.The Thasildar, Thasildar Office,
Thanjavur Town, Thanjavur District.

6.Rathinavalli

7.A.Samson

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the proceedings of the 3rd respondent in Na.Ka.No. 19084/12/c(2) dated 19.03.2013 and quash the same and consequently direct the 3rd respondent herein to implement the direction issued by the 1st respondent in Na.Ka.A2/554/2012 dated 24.04.2012 for to survey and subdivide the land in respect of Thanjavur registration District Thanjavur Sub Registry Thanjavur Taluk and Thanjavur Town Neelagiri Therkku Thoottam Vattam in Old Survey NO. 325 and New T.S NO. 325/1B2A1a Part with the extent of 2673 Sq.ft. as per the survey and Boundries Act 1923 within a stipulated time.

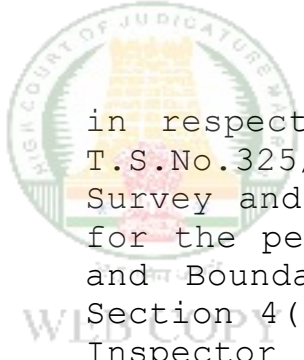
For Petitioner : Mr.R.Rajaraman

For R1 to R5 : Mr.Aayiram K.Selva Kumar
Government Advocate

For R6 & R7 : No Appearance

O R D E R

<https://hcservices.courts.gov.in/hcservices/> dated 24.04.2012, the first respondent, after enquiry, had directed the District Revenue Officer, to correct the survey records before the Tahsildar Office. The grievance of the petitioner is that the first respondent by his proceedings dated 24.04.2012, had directed for surveying and sub-dividing the land



in respect of the land comprised in old Survey No.325 and new T.S.No.325/1B2A1a part with the extent of 2673 sq.ft., as per the Survey and Boundaries Act, 1923. According to the learned counsel for the petitioner, as per the provisions of the Tamil Nadu Survey and Boundaries Act, 1923, the Survey Officers appointed under Section 4(1) of the Act, shall be the Deputy Directors of Survey, Inspector of Survey, Revenue Divisional Officer, Tahsildar and Deputy Tahsildar in independent charge and the Executive authorities of the Municipalities. Since the present impugned proceedings have been conducted by the third respondent, who is not a survey officer notified by the Government, the proceedings are vitiated.

2.The learned Government Advocate would also submit that under the provisions of the Tamil Nadu Survey and Boundaries Act, the Tahsildar among the other officers notified under Section 4(1) of the Act, is the competent person to conduct the survey.

3.As per the provisions of the Tamil Nadu Survey and Boundaries Act, the third respondent is not the competent person to conduct the Survey and the competent person to conduct the survey would be the concerned Tahsildar. As such, the impugned proceedings dated 19.03.2013 is liable to be set aside.

4.It is made clear that I have not expressed any of my views with regard to the petitioner's entitlement over the suit properties.

5.Under such circumstances, the impugned proceedings of the third respondent, dated 19.03.2013 is quashed. The entire matter is remanded back to the Tahsildar, Thanjavur Town and District, who is the fifth respondent herein. The fifth respondent shall conduct the survey and sub-divide the land comprised in old Survey No.325 and new T.S.No.325/1B2A1a part with the extent of 2673 sq.ft. in accordance with the provisions of the Survey and Boundaries Act, 1923, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

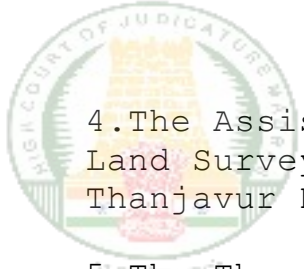
To

1.The Regional Deputy Director,
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Thiruchirappalli -1.

2.The District Collector,
Collector Office, Thanjavur district.

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3.The District Revenue Officer,
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4.The Assistant Director of Land Survey,
Land Survey and Records department,
Thanjavur District.

5.The Thasildar, Thasildar Office,
Thanjavur Town, Thanjavur District.

+1cc to The Special Government Pleader,
Madurai Bench of Madras Highcourt.SR.81271
+1cc to Mr.R.Rajaraman,Advocate,SR.80831
RJ2
KK-RR-ME-20.01.2017-3P-8C

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