



W.P(MD)No.23583 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23583 of 2016

B.Gnana Sundaram

... Petitioner

Vs.

1.The Tahsildar,
Dindigul West Taluk Office,
Dindigul.

2.The Head Surveyor,
Dindigul West Taluk,
Dindigul.

3.S.Renuga

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.10536/16(F) dated 25.10.2016 and quash the same and consequently direct the first respondent to measure the petitioner's land with regard to S.No.78/1A1 situated Chetti Naikan Patti Village, Dindigul West Taluk, Dindigul District.



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For Petitioner	: Mr.G.Gomathi Sankar
For R1 & R2	: Mr.D.Sasikumar Additional Government Pleader
For R3	: Mr.R.J.Karthick

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which a request of the petitioner for conducting a survey of his land was rejected on the ground the same is objected to by the third respondent.

2. Just because one of the neighbouring owners objected to the survey of the land, the request for survey cannot be rejected. As per Section 10 of Tamil Nadu Survey and Boundaries Act 1923, the first respondent is entitled to conduct an enquiry and to determine the boundary, after issuing notice to the parties.

3. In view of the above said provision, the impugned order is set aside. The matter is remitted back to the file of the first respondent herein to conduct an enquiry under Section 10 of the Tamil Nadu Survey and Boundaries Act 1923, after giving due opportunity to the petitioner and the third respondent herein and pass orders. Depending upon the order to



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be passed by the first respondent herein, the second respondent may
conduct a survey.

4. With the above said observations, this Writ Petition stands
allowed. No costs.

05.08.2022

Index : Yes / No
Internet : Yes / No
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To

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Dindigul.

2.The Head Surveyor,
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R.VIJAYAKUMAR ,J.

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Order made in
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