



W.P.No.7311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7311 of 2023

G.Vaidiyalingam

...Petitioner

Vs

- 1.The Executive Officer,
Vadapalani Murugan Temple,
Vadapalani, Chennai-26.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai-34.
- 3.The Zonal Officer
Zone X,
Greater Corporation of Chennai,
117, NSK Salai,
Kodambakkam, Chennai-24.
- 4.The Tahsildar
Mambalam Taluka Office,
K.K.Nagar Chennai-78.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 4th respondent to



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consider the petitioner's representation dated 04.11.2022 and to dispose the same within a reasonable time consequently to direct the 4th respondent to measure and identify the petitioner's property in Old Survey No.62/1A1A1A. New Town Survey No.9 & 11 and Block No.16, Saligramam Village, Mambalam Taluk Chennai and Chennai District.

For Petitioner : Mr.M.Chidambaram

For Respondents 1, 2 & 4: Ms.Akila Rajendran,
Government Advocate

For Respondent 3 : Mr.E.C.Ramesh,
Standing Counsel

ORDER

The prayer sought for in the present Writ Petition is to direct the fourth respondent to consider the petitioner's representation dated 04.11.2022 seeking to survey the petitioner's property in Old Survey No.62/1A1A1A. New Town Survey No.9 & 11 and Block No.16, Saligramam Village, Mambalam Taluk Chennai and Chennai District.

2. While Section 9 of the Tamil Nadu Survey and Boundaries Act, 1923, deals with the power of a Survey Officer to determine and record an undisputed boundary, Section 10 deals with such powers over disputed properties. The cost for such survey is required to be borne by



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the persons interested in the lands to be surveyed, as per Section 8 of the Act. Thus, when the Act empowers the concerned Survey Officer to comply with the request of a person seeking for survey or demarcation of boundaries of his land, he is required to comply with such a request within a reasonable time.

3. In the light of the above findings, there shall be a direction to the respondent herein to consider the petitioner's representation dated 04.11.2022 and conduct a survey in the subject property, after receipt of the cost of the survey from the petitioner, if not already received, and after giving due notice to the registered holders of the land, as well as other persons who may be affected, owing to the survey to be conducted in the subject property and the survey report thereof shall be communicated to all such persons, within a period of four weeks from the date of receipt of a copy of this order.

4. With the above directions, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

To

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M.S.RAMESH,J.

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