



WEB COPY



W.P.No.6789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6789 of 2023

Kanath Selvaraj

...Petitioner

Vs

1. The District Collector,
Namakal District, Namakkal.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Naakkal District, Namakkal.

3. Tahsildar,
Kolli Hills Taluk,
Kollimalai,
Namakkal District.

4. The Taluk Surveyor,
Kolli Hills Revenue Divisional,
Kolli Hills Taluk, Kollimalai.
Namakkal District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents particularly the first respondent to order and direct the Taluk Surveyor attached to his office to survey and demarcate the boundaries of the land comprised in Old Survey



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No.266/2 New Survey No.475/3 to the extent of 2.03 ½ cents vide registered document No.528/1994 dated 10.06.1994 in favour of the petitioner along with shares of 0.67 ½ cents of land of Co-parcenary property of 8.13 acre situated at Thirupulli Nadu, Sembooth Valive Village, Kolli Hills Taluk, Namakkal District pursuant to the representation dated 22.01.2023 of the petitioner after giving notice to all the persons interested in the surrounding lands and furnish a copy of the report to the petitioner.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

By consent of both the parties, the main Writ Petition has been taken up for final disposal.

2. The petitioner herein had given a representation to the first respondent on 22.01.2023, seeking for a direction to direct the Taluk Surveyor to survey and demarcate the boundaries of the land comprised in Old Survey No.266/2, New Survey No.475/3 to the extent of 2.03 ½ cents vide registered document No.528/1994 dated 10.06.1994 in favour of the petitioner along with shares of 0.67 ½ cents of land of Co-parcenary property of 8.13 acre situated at Thirupulli Nadu, Sembooth Valive Village, Kolli Hills Taluk, Namakkal



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District. Since the said representation was not considered, the present writ petition has been filed.

3. 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 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.

4. In the light of the above findings, there shall be a direction to the concerned Surveyor to consider the petitioner's representation dated 22.01.2023 and conduct a survey in the subject lands, 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 lands 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.



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M.S.RAMESH,J.

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5. With the above directions, the Writ Petition stands disposed of. No costs.

07.03.2023

Index: Yes/No
Speaking order/Non-speaking order
hvk

To

1. The District Collector,
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Naakkal District, Namakkal.
3. Tahsildar,
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Kollimalai,
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