



W.P.No.8095 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8095 of 2023

K.Nachimuthu

...Petitioner

Vs

1.The District Collector,
Namakkal District, Namakkal.

2.The Revenue Divisional Officer,
Komarapalayam Taluk,
Namakkal District.

3.The Tahsildar,
Komarapalayam Taluk,
Namakkal District.

4.K.Pugalenth

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd Respondent to dispose of the petitioner's representation dated 19.09.2022 regarding survey the land in S.No.83, patta No.274 and S.No.84/1 in Kaliyanoor Village, Komarapalayam Taluk, Namakkal District within the time as stipulated by this Court.



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For Petitioner : Mr.S.Kolandasamy

For Respondents : Mr.P.Sathish
Additional Government Pleader for
R1 to R3

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the official respondents. Since this Court is directing the third respondent to consider the petitioner's representation after giving notice to all the parties concerned, notice to the private respondent is dispensed with.

2. The prayer sought for in the present Writ Petition is to direct the 3rd Respondent to dispose of the petitioner's representation dated 19.09.2022 regarding survey the land in S.No.83, patta No.274 and S.No.84/1 in Kaliyanoor Village, Komarapalayam Taluk, Namakkal District. A copy of the said representation given to the Tahsildar concerned is enclosed in the typed set of papers.



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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 Tahsildar concerned to consider the petitioner's representation dated 19.09.2022 and conduct a survey in the subject lands, 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 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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5. With the above directions, the Writ Petition stands disposed of.

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No costs.

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Index: Yes/No

Speaking order/Non-speaking order

To

1. The District Collector,
Namakkal District, Namakkal.

2. The Revenue Divisional Officer,
Komarapalayam Taluk,
Namakkal District.

3. The Tahsildar,
Komarapalayam Taluk,
Namakkal District.

RS/hvk



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M.S.RAMESH,J.

RS/hvk

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