



W.P.No.7675 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7675 of 2023

N.Kanagaraj

...Petitioner

Vs

1.The Tahsildar, Kunnam Taluk,
Perambalur District.

2.The Taluk Surveyor, Kunnam
Taluk, Perambalur District.

3.The Village Administrative Officer,
Sirukudal Village, Kunnam Taluk,
Perambalur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to survey the petitioner's land at S.F.No.189/13 measuring about 0.07 1/2 of acres in Keelapuliyur South Village of Kunnam Taluk in Perambalur District as per sale deed 29.09.2021 registered as Document No.2834 of 2021 on the file of Sub-Registrar, Valighandapuram and issue a separate sub-division and patta for his name by considering the petitioner's application dated 13.05.2022.



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For Petitioner : Mr.N.Ponraj

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in the present Writ Petition is to direct the respondents to survey the petitioner's land at S.F.No.189/13 measuring about 0.07 1/2 of acres in Keelapuliyur South Village of Kunnam Taluk in Perambalur District. In this regard, the petitioner herein had also given a representation to the Tahsildar concerned on 13.05.2022.

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



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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 13.05.2022 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.

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

No costs.

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M.S.RAMESH,J.

RS/hvk

Index: Yes/No

Speaking order/Non-speaking order

To

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