



WEB COPY



W.P.No.8381 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.8381 of 2023

D.Jothi

...Petitioner

Vs

1.The District Collector,
Tiruppur District.

2.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

3.The Tahsildar, Uthukuli Taluk,
Uthukuli, Tiruppur District.

4.The Taluk Head Surveyor,
Uthukuli Taluk, Uthukuli,
Tiruppur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take action to dispose of the petitioner's representation dated 01.07.2022 submitted with regard to survey the land of an extent of hectares 0.0.778 (Acre 0.19 1/4 Cents) Velliraveli Village, Uthukuli Taluk, Tiruppur District comprised in Survey No.223/1.



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For Petitioner : Mr.V.Logeswaren

For Respondents : Ms.Akila Rajendran,
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 consider his representation dated 01.7.2022 to survey the petitioner's land in Survey No.223/1 of an extent of hectares 0.0.778 (Acre 0.19 1/4 Cents) Velliraveli Village, Uthukuli Taluk, Tiruppur District.

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 01.7.2022 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.

17.03.2023

Index: Yes/No

Speaking order/Non-speaking order

RS/SNI



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M.S.RAMESH,J.

RS/SNI

To

- 1.The District Collector,
Tiruppur District.
- 2.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.
- 3.The Tahsildar, Uthukuli Taluk,
Uthukuli, Tiruppur District.
- 4.The Taluk Head Surveyor,
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