



W.P.No.7646 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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R.Nagaraj

...Petitioner

Vs

1.The District Collector,
Erode District.

2.The Revenue Divisional Officer,
Gobichettipalayam, Erode District.

3.The Tahsildar, Thalavadi Taluk,
Thalavadi, Erode District.

4.The Taluk Head Surveyor,
Thalavadi Taluk, Thalavadi,
Erode 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 14.09.2022 submitted with regard to survey the Agriculture land properties of an total extent of hectares 1-2.00 (Acre 2.40 cents) Gumtapuram, Thalavadi Village, Thalavadi panchayat limit, Thalavadi Taluk, Erode District comprised in Survey No.674/2 Vide Patta No.778, bounded on East by -



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Thunappa @ Mahadevappa's land, south by - Gurumallappa's land, North by - Mallappa's land and west by - MuthuMadappa's land along with 16 feet car track which is being used by generation by generation from Village Panchayat Road based on the partition deed dated 10.8.1993 in Doc.No.503/1993 at SRO, Thalavadi.

For Petitioner : Mr.V.Logeswaren

For Respondents : Mr.P.Sathish
Additional Government Pleader

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 take action to dispose of the petitioner's representation dated 14.09.2022 for surveying the agriculture land properties of an total extent of hectares 1-2.00 (Acre 2.40 cents) Gumtapuram, Thalavadi Village, Thalavadi panchayat limit, Thalavadi Taluk, Erode 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 14.09.2022 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

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4. The Taluk Head Surveyor,
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M.S.RAMESH,J.

RS/hvk

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