



W.P.No.7252 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7252 of 2023

H.S.Ramakrishnan

... Petitioner

Vs

- 1.District Collector,
1st Floor, Salem Main Road,
Near Superintendent of Police,
Dharmapuri – 636 705.
- 2.District Revenue Officer,
Collectorate Compound,
Dharmapuri District – 636 705.
- 3.Revenue Divisional Officer,
Salem Bypass, Periyar Nagar,
Harur – 636 903.
- 4.Tahsildar,
Harur Town and Post,
Harur Taluk,
Dharmapuri District.
- 5.Palanisamy

... Respondents



W.P.No.7252 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to resurvey the land situated at Survey No.S.No.121/1C2, 121/2A1, 122/2A3, 121/1A, 122/2A1B, 121/2B, 121/1D, 122/2A2 at Katavadichampatti Village, Poiyapatti Taluk, Harur admeasuring an extent of 3.56 acres with necessary security at the time of taking measurement and further direct the respondents to grant patta to the petitioner in favour of the aforementioned lands.

For Petitioner : Ms.V.Srimathi

For Respondents : Mr.P.Sathish,
Additional Government Pleader
for R1 to 4
No appearance for R5

ORDER

Heard Ms.V.Srimathi, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for the respondents 1 to 4.

2. There is no appearance on behalf of the fifth respondent.

3. The prayer sought for in the present Writ Petition is to direct the official respondents to resurvey the land, situated at Survey Nos.



W.P.No.7252 of 2023

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S.No.121/1C2, 121/2A1, 122/2A3, 121/1A, 122/2A1B, 121/2B, 121/1D, 122/2A2 at Katavadichampatti Village, Poiyapatti Taluk, Harur and to grant patta to the petitioner with regard to the aforementioned lands. In this regard, the petitioner herein had also given a representation to the official respondents on 06.02.2023.

4.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.

5. In the light of the above findings, there shall be a direction to the official respondents to consider the petitioner's representation dated 06.02.2023 and conduct a survey in the subject lands, after receipt of the



W.P.No.7252 of 2023

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.

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

No costs.

24.03.2023

Index:Yes/No

Speaking order/Non-speaking order

vga



W.P.No.7252 of 2023

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W.P.No.7252 of 2023

M.S.RAMESH,J.

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W.P.No.7252 of 2023

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