



W.P.No.8017 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.8017 of 2023

1.S.Ganesan

2.G.Meena

...Petitioners

Vs

1.The District Collector,
Coimbatore District,
Collector Office Campus,
Huzur Road, Coimbatore - 641 018.

2.The Tahsildar,
Perur Taluk, Coimbatore District.

3.The Head Surveyor,
Perur Taluk Office,
Siruvani Main Road,
Perur Post, Coimbatore.

4.The Assistant Director (Surveyor),
Collectorate Building 2nd Floor,
Coimbatore.

5.Taluk Deputy Surveyor,
Perur Taluk Office,
Siruvani Main Road,
Perur Post, Coimbatore.



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6.The Tahsildar,
Coimbatore South, Coimbatore.

7.S.Udhayakumar

8.R.Pankajam

9.Manomani

...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 lands in S.F.No.334 of Perur Chettipalayam Village, Perur Taluk, Coimbatore District and sub divide the subject matter of property with reference to my land within a stipulated period of time.

For Petitioners : Mr.A.Parthasarathy

For R1 to R6 : Ms.Akila Rajendran,
Government Advocate

ORDER

Heard Mr.A.Parthasarathy, learned counsel for the petitioner and Ms.Akila Rajendran, learned Government Advocate for the respondents 1 to 6.



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2. Since this Court is directing the Tahsildar to consider the petitioner's representation, after giving due notice to the respondents 7 to 9, notice to the respondents 7 to 9 is hereby dispensed with.

3. The prayer sought for in the present Writ Petition is to direct the respondents herein to survey the petitioner's lands in S.F.No.334 of Perur Chettipalayam Village, Perur Taluk, Coimbatore District. In this regard, the petitioner herein had also given a representation to the Tahsildar concerned on 28.12.2022.

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 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.



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4. In the light of the above findings, there shall be a direction to the Tahsildar concerned to consider the petitioner's representation dated 28.12.2022 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.

16.03.2023

(1/2)

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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