



W.P.No.7928 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7928 of 2023

M/s.Saravana Global Holdings
Ltd., rep.by its Director

...Petitioner

Vs

- 1.The Tahsildar,
Mambalam Guindy Taluk,
Chennai District.
- 2.The Head Surveyor, Office of the
Tahsildar, Mambalam Guindy
Taluk, Chennai District.
- 3.Muthureddy Thottam Residence
Welfare Association rep.by its
Secretary

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to measure the property measuring to an extent of 25200 Square feet in Town Survey No.7618/1/block No.119 Muthureddy Thottam, New Door No.5, Old Door No.3, Ramachandra Street, T.Nagar, Chennai-17, Guindy Mambalam Taluk by earmarking the four boundaries with the assistance of the police within a time frame that may be fixed by this Court.



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For Petitioner : Mr.S.Sai Shankar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for R1&R2

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the official respondents. Since this Court is directing respondents 1 and 2 to consider the petitioner's representation after giving notice to all the parties concerned, notice to the private respondent is dispensed with.

2. The prayer sought for in the present Writ Petition is to direct the 2nd respondent to measure the property measuring to an extent of 25200 Square feet in Town Survey No.7618/1/block No.119, Muthureddy Thottam, New Door No.5, Old Door No.3, Ramachandra Street, T.Nagar, Chennai-17. In this regard, the petitioner herein had also given a representation to the second respondent on 09.11.2022.

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



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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 respondents 1 and 2 to consider the petitioner's representation dated 09.11.2022 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.



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No costs.

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Index: Yes/No

Speaking order/Non-speaking order

To

1. The Tahsildar,
Mambalam Guindy Taluk,
Chennai District.

2. The Head Surveyor, Office of the
Tahsildar, Mambalam Guindy
Taluk, Chennai District.

RS/hvk



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M.S.RAMESH,J.

RS/hvk

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