



W.P.No.7325 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.7325 of 2023

Manjunath

...Petitioner

Vs

1.The Thasildhar
Taluk office,
Karimangalam Taluk,
Dharmapuri District.

2.The Head Surveyor,
Periyampatti Firka,
Karimangalam Taluk,
Dharmapuri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to survey petitioners property comprised in survey Nos. 320/1A1 measuring to an extent of 60 cents and 321/1 measuring to an extent of 6 cents situated at Periyampatti Village Karimangalam Taluk Dharmapuri District within a stipulated period.



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For Petitioner : Mr.M.Mohamed Riyaz

For Respondents : Ms.Akila Rajendran,
Government Advocate

ORDER

The prayer sought for in the present Writ Petition is to direct the respondents to survey the petitioner's land in survey Nos. 320/1A1 measuring to an extent of 60 cents and 321/1 measuring to an extent of 6 cents situated at Periyampatti Village Karimangalam Taluk Dharmapuri District. In this regard, the petitioner herein had also given a representation to the respondents on 18.02.2023.

2. 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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3. In the light of the above findings, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 18.02.2023 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.

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

No costs.

17.03.2023

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Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order



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To
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- 2.The Head Surveyor,
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M.S.RAMESH, J.

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