



W.P.No.7831 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.7831 of 2023

D.Arun

...Petitioner

Vs

- 1.The District Collector, District
Collectorate, Kallakurichi
District.
- 2.The Revenue Divisional Officer,
O/o Revenue Divisional Officer,
Kachirapalayam Road,
Kaspa Kallakurichi Town,
Kallakurichi District.
- 3.The Tahsildar, O/o Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.
- 4.The Surveyor, O/o Tahsildar,
Kaspa Kallakurichi Taluk,
Kallakurichi District.
- 5.The Village Administrative Officer,
O/o Village Administrative Officer,
Prithivimangalam Village,
Kallakurichi Taluk, Kallakurichi
District.

...Respondents



W.P.No.7831 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to survey and demarcate the land comprised in Survey Nos.112/3 and 112/4A measuring to a total extent of 1.38 acres situated at Pirithivamangalam Village, Thiyaagathirugam, Kallakurichi Taluk, Kallakurichi District on the petitioner's representation dated 18.01.2023 within the time stipulated by this Court.

For Petitioner : Mr.A.Kowsik Raghu Rajaa

For Respondents : Mr.V.Veluchamy
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 survey and demarcate the land comprised in Survey Nos. 112/3 and 112/4A measuring to a total extent of 1.38 acres situated at Pirithivamangalam Village, Thiyaagathirugam, Kallakurichi Taluk, Kallakurichi District. In this regard, the petitioner herein had also given a representation to the Tahsildar concerned on 18.1.2023.



W.P.No.7831 of 2023

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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 18.01.2023 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.



W.P.No.7831 of 2023

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

No costs.

15.03.2023

Index: Yes/No

Speaking order/Non-speaking order

To

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W.P.No.7831 of 2023

M.S.RAMESH,J.

RS/hvk

W.P.No.7831 of 2023

15.03.2023