



WEB COPY



W.P.No.8784 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8784 of 2023

Thalavadi Firka Basava Samithi
rep.by its President M.J.
Veerapathirasami

...Petitioner

Vs

- 1.The District Collector,
Erode District.
- 2.The Revenue Divisional Officer,
Gobichettipalayam, Erode District.
- 3.The Tahsildar, Thalavadi Taluk,
Thalavadi, Erode District.
- 4.The Taluk Head Surveyor,
Thalavadi Taluk, Thalavadi,
Erode District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take action to dispose of the petitioner's representations dated 11.02.2022 and 19.12.2022 submitted with regard to survey the land properties of an extent of hectares 0.25.10 (acre 0.62 cents) and an extent of hectares 0.15.40 (Acre 0.38 cents) Marur Village, Thalavadi panchayat limit,



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Thalavadi Taluk, Erode District comprised in survey Nos.18/1 and 18/2 vide patta Nos.343 and 331 vide sale deed dated 02.05.2016 registered as Document No.458/2016 at SRO, Thalavadi by making proper sub-division.

For Petitioner : Mr.V.Logeswaren

For Respondents : Mr.Yogesh Kannadasan,
Special 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 this Writ Petition is to direct the respondents to dispose of the petitioner's representations dated 11.02.2022 and 19.12.2022 to survey the land properties of an extent of hectares 0.25.10 (acre 0.62 cents) and an extent of hectares 0.15.40 (Acre 0.38 cents) Marur Village, Thalavadi panchayat limit, Thalavadi Taluk, Erode District comprised in survey Nos.18/1 and 18/2.

3. While Section 9 of the Tamil Nadu Survey and Boundaries Act,



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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 representations dated 11.2.2022 and 19.12.2022 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.



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RS/SNI

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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

To

1.The District Collector,
Erode District.

2.The Revenue Divisional Officer,
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3.The Tahsildar, Thalavadi Taluk,
Thalavadi, Erode District.

4.The Taluk Head Surveyor,
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