



W.P.No.8118 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.8118 of 2023

Akbar Basha

...Petitioner

Vs

The Tahsildar, Sankarapuram & Taluk
Kallakurichi District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to survey the land with regard to the land in survey Nos.54/9 and 85/43 at Periya Kolliyur Village, Sankarapuram Taluk, Kallakurichi District within the time fixed by this Court.

For Petitioner : Mr.V.Gunasekar

For Respondent : Mr.R.P.Murugan Raja
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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2. The prayer sought for in the present Writ Petition is to direct the respondent to survey the land with regard to the land in survey Nos.54/9 and 85/43 at Periya Kolliyur Village, Sankarapuram Taluk, Kallakurichi District within the time fixed by this Court.

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, there shall be a direction to the petitioner to give a representation to the Tahsildar concerned for survey of the subject lands, within a period of two weeks from the date of receipt of a copy of this order and the Tahsildar concerned shall consider



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the petitioner's representation 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 the representation of the petitioner.

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

The Tahsildar, Sankarapuram & Taluk
Kallakurichi District.

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M.S.RAMESH,J.

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