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W.P.No.8708 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8708 of 2023

C.Elumalai

...Petitioner

Vs

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Tahsildar,
Chetpet,
Thiruvannamalai District

3.The Head Surveyor,
Thiruvannamalai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 23.02.2023 and consequently to survey the petitioner's land and provide a separate patta by fixing the boundary in Survey Nos.687, 696 and Sub Division Survey Nos.687/12C, 687/16B, 696/2A, 696/2B, 696/4C situated at Othalavadi Village, Chetpet Taluk, Thiruvannamalai District within a time frame.



W.P.No.8708 of 2023

For Petitioner : Mr.H.Rambabu

For Respondents : Mr.P.Sathish
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 the petitioner's land in Survey Nos.687, 696 and Sub Division Survey Nos.687/12C, 687/16B, 696/2A, 696/2B, 696/4C situated at Othalavadi Village, Chetpet Taluk, Thiruvannamalai District and to issue a separate patta by fixing the boundary. In this regard, the petitioner herein had also given a representation to the respondents on 23.02.2023.

3.Though the petitioner herein has sought for a direction to the respondents to survey the land, as well as for grant of patta, this Court is of the view that the respondents shall be directed to conduct a survey alone for the present and thereafter, the claim for issuance of patta can be



W.P.No.8708 of 2023

considered at a later stage.

WEB COPY

4.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.

5.In the light of the above findings, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 23.02.2023 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



W.P.No.8708 of 2023

such persons, within a period of four weeks from the date of receipt of a copy of this order.

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

No costs.

20.03.2023

Index: Yes/No
Speaking order/Non-speaking order
hvk

To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Tahsildar,
Chetpet,
Thiruvannamalai District
3. The Head Surveyor,
Thiruvannamalai District.



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W.P.No.8708 of 2023

M.S.RAMESH,J.

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W.P.No.8708 of 2023

20.03.2023