



W.P.No.7967 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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S.Prakash

...Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional
Officer, Udumalpet, Tirupur District.

2.The Assistant Director, Survey &
Records, Office of the District
Collector, Collectorate Building,
Tirupur District.

3.The Tahsildar,
Madathukulam Tahsildar Office,
Madathukulam, Tirupur District.

4.The Taluk Deputy Surveyor,
Office of the Tahsildar,
Madathukulam, Tirupur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders on the representation dated 17.02.2023 sent by the petitioner herein to measure the property namely punja land measuring 8.32 Acres comprised in Survey No.234/1B and the land measuring 2.77 Acres



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comprised in Survey No.122/8B situated in Kumaralignam Village, Madathukulam Taluk, Tiruppur District in accordance with the sale deed dated 11.08.2020 registered as document No.2259 of 2020 at the office of the Sub-Registrar of Kaniyur and Registration District of Tiruppur and issue the report of the surveyor of the said properties to the petitioner.

For Petitioner : Mr.T.Shanmugarajeswaran

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 pass orders on the representation dated 17.02.2023 sent by the petitioner herein to measure the property namely punja land measuring 8.32 Acres comprised in Survey No.234/1B and the land measuring 2.77 Acres comprised in Survey No.122/8B situated in Kumaralignam Village, Madathukulam Taluk, Tiruppur District. A copy of the said representation given to the Tahsildar concerned is enclosed in



the typed set of papers.

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 17.02.2023 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



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

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

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Collector, Collectorate Building,
Tirupur District.
3. The Tahsildar,
Madathukulam Tahsildar Office,
Madathukulam, Tirupur District.
4. The Taluk Deputy Surveyor,
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RS/hvk



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M.S.RAMESH,J.

RS/hvk

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