



W.P.No.8051 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.8051 of 2023

R.Rajkumar

...Petitioner

Vs

1.The District Collector,
Thirupattur District.

2.The Tahsildar,
The Office of Tahsildar,
Natrampalli,
Thirupattur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to survey and fix the boundary and to issue patta or chitta of the land of the petitioner situated in Survey No.178/3 to the extent 0.19 and 0.20 cents at Ellapalli Village, Vettapattu Mathurar, Thirupattur District.

For Petitioner : Mr.Karan

For Respondents : Mr.P.Sathish,
Additional Government Pleader



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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 fix the boundary and to issue patta or chitta of the land of the petitioner situated in Survey No.178/3 to the extent 0.19 and 0.20 cents at Ellapalli Village, Vettapattu Mathurar, Thirupattur District. In this regard, the petitioner had also given a representation to the second respondent herein on 01.12.2022.

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 considered at a later stage.

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



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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 01.12.2022 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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M.S.RAMESH,J.

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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

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To

1. The District Collector,
Thirupattur District.

2. The Tahsildar,
The Office of Tahsildar,
Natrampalli,
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