



WEB COPY



W.P.No.8225 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8225 of 2023

A.Antony Belavendiran

...Petitioner

Vs

1.The Revenue Divisional Officer,
Udayarapalayam Post & Taluk,
Ariyalur District-621804.

2.The Tahsildar,
Andimadam Taluk Office,
Ariyalur District-621801.

3.The Inspector of Police,
Andimadam Police Station,
Ariyalur District-621801.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to survey the petitioner's lands bearing 1) Survey No.138/1 measuring about 0.08.09 ares; 2) Survey No.143/12 measuring about 0.06.88 Ares; 3) Survey No.143/12 measuring about 0.01.21 Ares; 4) Survey No.128/8 measuring about 0.07.69 Ares; 5) Survey No.59/5A measuring about 0.12.14 Ares. In comprised Joint Patta 3955 and 1835. The property situated at Koovathur (North) Village, Andimadam Taluk, Ariyalur



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District along with Police Aid on the part of 3rd respondent in view of the petitioner application dated 09.12.2022 and representation dated 09.12.2022.

For Petitioner : Mr.V.K.Sakthivel

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 the present Writ Petition is to direct respondents 1 and 2 to survey the petitioner's lands bearing (1) Survey No.138/1 measuring about 0.08.09 ares; (2) Survey No.143/12 measuring about 0.06.88 Ares; (3) Survey No.143/12 measuring about 0.01.21 Ares; (4) Survey No.128/8 measuring about 0.07.69 Ares; and (5) Survey No.59/5A measuring about 0.12.14 Ares situated at Koovathur (North) Village, Andimadam Taluk, Ariyalur District. In this regard, the petitioner herein had also given a representation to the Tahsildar concerned on 09.12.2022.



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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 09.12.2022 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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5. With the above directions, the Writ Petition stands disposed of.

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No costs.

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Index: Yes/No

Speaking order/Non-speaking order

To

1.The Revenue Divisional Officer,
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RS/hvk



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M.S.RAMESH,J.

RS/hvk

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