



W.P.No.8201 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.8201 of 2023

P.Kalaiselvi

...Petitioner

Vs

1.The State of Tamil Nadu rep.
by its District Collector,
Kanchipuram, Kanchipuram District.

2.The Tahsildar, Kundrathur Taluk,
Kanchipuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to measure the petitioner's land namely Malayapakkam village, Kundrathur taluk, Kancheepuram District comprised in S.No.40/13 in Plot No.3 to the extent of 1,325 Sq.ft by metes and bounds and to demark the boundaries.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.P.Sathish
Additional Government Pleader



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ORDER

WEB COPY 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 2nd respondent to measure the petitioner's land namely Malayapakkam village, Kundrathur taluk, Kancheepuram District comprised in S.No. 40/13 in Plot No.3 to the extent of 1,325 Sq.ft by metes and bounds and to demark the boundaries. In this regard, the petitioner herein had also given a representation dated 28.7.2021 to the Tahsildar concerned.

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



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within a reasonable time.

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4. In the light of the above, there shall be a direction to the Tahsildar concerned to consider the petitioner's representation dated 28.07.2021 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.

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

RS/hvk



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M.S.RAMESH,J.

RS/hvk

To

- 1.The District Collector,
Kanchipuram, Kanchipuram District.
- 2.The Tahsildar, Kundrathur Taluk,
Kanchipuram District.

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