



WEB COPY



W.P.No.8718 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.8718 of 2023

Govinthasamy

...Petitioner

Vs

1.The Tahsildar,
Karimangalam Taluk,
Dharmapuri District.

2.The Assistant Director of Survey,
District Land Survey and Settlement,
Dharmapuri 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 the land in S.Nos.187/3, 192/12 and 192/13 total an extent of 1 acres 84 cents situated at Thimmarayanahalli Village, Palacode Taluk, Dharmapuri District based on application dated 11.10.2019 and 24.01.2022.

For Petitioner : Mr.R.Elavarasan

For Respondents : Mr.Murugan Raja
Government Advocate



W.P.No.8718 of 2023

WEB COPY

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 S.Nos.187/3, 192/12 and 192/13 situated at Thimmarayanahalli Village, Palacode Taluk, Dharmapuri District. In this regard, the petitioner herein had also given a representation to the first respondent on 26.09.2022.

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.



W.P.No.8718 of 2023

WEB COPY

4. In the light of the above findings, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 26.09.2022 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.

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

No costs.

20.03.2023

Index: Yes/No

Speaking order/Non-speaking order

hvk



WEB COPY



W.P.No.8718 of 2023

M.S.RAMESH,J.

hvk

To

- 1.The Tahsildar,
Karimangalam Taluk,
Dharmapuri District.
- 2.The Assistant Director of Survey,
District Land Survey and Settlement,
Dharmapuri District.

W.P.No.8718 of 2023

20.03.2023