



W.P.No.10487 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10487 of 2023

Nadesan

...Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ranipet District.

2.The Tahsildar,
Arakkonam Taluk Office,
Ranipet District.

3.The Head Surveyor,
Arakkonam Taluk Office,
Ranipet District.

4.Sampath

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to conduct the survey in Survey No.69/78 situated at Ocheri Road, Ammanoor, Avvainagar, Arakkonam-631002, Ranipet District by considering the petitioner's representation dated 06.12.2022.



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For Petitioner : Mr.D.Dayalan
For R1 to R3 : Mr.V.Veluchamy
Additional Government Pleader

ORDER

Heard Mr.D.Dayalan, learned counsel for the petitioner and Mr.V.Veluchamy, learned Additional Government Pleader for the respondents 1 to 3.

2. Since this Court is directing the second respondent/Tahsildar to conduct survey in the petitioner's land, after giving due opportunity to the fourth respondent, notice to the fourth respondent is hereby dispensed with.

3. The prayer sought for in the present Writ Petition is to direct the second respondent to survey the petitioner's land bearing Survey No.69/78 situated at Ocheri Road, Ammanoor, Avvainagar, Arakkonam-631002, Ranipet District . In this regard, the petitioner herein had also made an application to the first respondent on 06.12.2022.



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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 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 application dated 06.12.2022 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 fourth respondent herein and the registered holders of the land, including the adjacent owners of the subject lands, 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



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

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

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

hvk

To

- 1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ranipet District.
- 2.The Tahsildar,
Arakkonam Taluk Office,
Ranipet District.
- 3.The Head Surveyor,
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M.S.RAMESH,J.

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