



WEB COPY



W.P.No.8413 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8413 of 2023 &
WMP.No.8604 of 2023

N.Palanisamy

...Petitioner

Vs

1.The District Collector,
Namakkal District, Namakkal.

2.The District Revenue Officer,
1st Floor, Collectorate,
Tiruchengode Road,
Namakkal District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchengode, Namakkal District.

4.The Tahsildar, Paramathi Velur
Taluk, Namakkal District.

5.The Surveyor, Paramathi Velur
Taluk, Namakkal District.

6.Sinthamani

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fourth and fifth



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respondents herein to survey the lands in S.Nos.427/2 and 427/3 in an extent of Acre 3.31 cents and S.No.427/4A in an extent of Acre 0.31 1/2 cents bearing Patta No.899 situated at Nallur Village, Paramathi Sub-Registration District, Namakkal Registration District by virtue of his purchase from one Ponnusamy and Nallusamy for valid sale consideration by way of registered sale deed bearing document No.2559 of 2021 on the file of Sub-Registrar, Paramathy and to issue patta in favour of the petitioner herein based on the representation dated 31.03.2022 within such time as may be prescribed by this Court.

For Petitioner : Mr.N.Damodaran

For Respondents 1 to 5 : Mr.R.P.Murugan Raja,
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the official respondents. Since this Court is directing the fourth respondent to consider the petitioner's representation after giving notice to all the parties concerned, notice to the private respondent is dispensed with.

2. The prayer sought for in this Writ Petition is to direct respondents 4 and 5 to consider the petitioner's representation dated



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31.03.2022 to survey the lands in S.Nos.427/2 and 427/3 in an extent of Acre 3.31 cents and S.No.427/4A in an extent of Acre 0.31 1/2 cents bearing Patta No.899 situated at Nallur Village, Paramathi Sub-Registration District, Namakkal Registration District

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 31.03.2022 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



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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. Consequently, the connected WMP is closed.

17.03.2023

Index: Yes/No

Speaking order/Non-speaking order

To

1. The District Collector, Namakkal District, Namakkal.
2. The District Revenue Officer, 1st Floor, Collectorate, Tiruchengode Road, Namakkal District.
3. The Revenue Divisional Officer, Revenue Divisional Office, Tiruchengode, Namakkal District.
4. The Tahsildar, Paramathi Velur Taluk, Namakkal District.
5. The Surveyor, Paramathi Velur Taluk, Namakkal District.

RS/SNI



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M.S.RAMESH,J.

RS/SNI

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