



W.P.No.8982 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8982 of 2023

S.Ismail Sherieff

...Petitioner

Vs

1.The Tahsildar, Taluk Office,
Vandavasi, Tiruvannamalai District.

2.The Deputy Superintendent of
Police (DSP), Vandavasi Taluk,
Vandavasi, Tiruvannamalai District.

3.The Inspector of Police,
Vandavasi South Police Station,
Vandavasi, Tiruvannamalai District.

4.S.Roshan Bevi

5.Najibunnisha

6.S.Sulaiman

7.Haja Moideen

8.S.Kadhar Basha

9.M.Syedhani

10.A.Shamima

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to survey of the petitioner's house plot properties situated at Tiruvannamalai



W.P.No.8982 of 2023

District, Vandavasi Taluk, Vandavasi Town, KVT Nagar, Nanja Survey No.538/2 bounded north by Street, south by Srinivasan house Plot, west by Shajahan house, east by Street, which is centre east west by northern side 67 feet, southern side 70 feet, north south western side 16 feet, eastern side 39 feet, total extent of 1883 3/4 square feet vacant plot and consequently direct the 3rd respondent to provide the adequate police protection against the 4th to 10th respondents on the day of land survey by the 1st respondent based on the petitioner's representation dated 20.02.2023.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondents 1 to 3 : Mr.V.Veluchamy,
Additional Government Pleader

ORDER

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

2. The prayer sought for in the present Writ Petition is to direct the first respondent to consider the petitioner's representation dated



W.P.No.8982 of 2023

WEB COPY

20.02.2023 to survey the petitioner's plot at Nanja Survey No.538/2, KVT Nagar, Vandavasi Taluk and Town, Tiruvannamalai District measuring an extent of 1883 3/4 sq.ft.

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 petitioner to give a representation to the Tahsildar concerned seeking to survey the lands within a period of two weeks from the date of receipt of a copy of this order. On receipt of such a representation, the Tahsildar concerned shall consider the petitioner's request and conduct a survey in



W.P.No.8982 of 2023

WEB COPY

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 and the private respondents 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 therefrom.

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

No costs.

23.03.2023

Index: Yes/No

Speaking order/Non-speaking order

To

1. The Tahsildar, Taluk Office,
Vandavasi, Tiruvannamalai District.

2. The Deputy Superintendent of
Police (DSP), Vandavasi Taluk,
Vandavasi, Tiruvannamalai District.

3. The Inspector of Police,
Vandavasi South Police Station,
Vandavasi, Tiruvannamalai District.

RS/hvk



WEB COPY



W.P.No.8982 of 2023

M.S.RAMESH,J.

RS/hvk

W.P.No.8982 of 2023

23.03.2023