



W.P.No.8827 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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Manickam

...Petitioner

Vs

1.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Attur, Salem District.

2.The Tahsildar, Attur Taluk Office,
Attur, Salem District.

3.The Inspector of Police,
Malliyakarasi Police Station,
Salem 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 survey the property and to issue the separate patta to the name of the petitioner in respect of the property in survey No.305/2 to the extent of 1.74 cents in Malliyakarai villag, Attur taluk, Salem District based on the representation dated 26.05.2022 with help of the 3rd respondent police within stipulated time that may be fixed by this Court.



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For Petitioner : Mr.M.Senthilkumar

For Respondents : Mr.V.Veluchamy,
Additional Government Pleader

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 this Writ Petition is to direct the 2nd respondent to consider the representation made by the petitioner dated 26.5.2022 to survey the property in survey No.305/2 to the extent of 1.74 cents in Malliyakarai villag, Attur taluk, Salem 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



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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 26.5.2022 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.

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Index: Yes/No

Speaking order/Non-speaking order

RS/SNI

M.S.RAMESH,J.



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To

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