



WEB COPY



W.P.No.8846 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8846 of 2023

S. Arulprakasam

... Petitioner

Vs.

1.The Sub Collector,
Virudhachalam Taluk,
Virudhachalam,
Cuddalore District.

2.The Tahsildar,
Virudhachalam Taluk,
Virudhachalam,
Cuddalore District.

[Addresses of the respondents amended as per the Memo filed by the counsel for the petitioner on 21.03.2023]

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to pass appropriate action on representation dated 27.02.2023 and to depute a competent surveyor to measure and fix the four boundaries of the property comprised in Survey Nos.212/11, 212/12, 212/13 measuring to a total extent of 4687 Sq.ft (10.46 cents) situated in West Street, Kattukoonankurichi, Oomangalam P.O. Virudhachalam Taluk, Cuddalore District.



WEB COPY



W.P.No.8846 of 2023

For Petitioner : Mr.M. Elumalai

For Respondents : M/s.Akila Rajendran,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself. Today, the learned counsel for the petitioner has filed a Memo dated 21.03.2023 in the Registry, for amendment in the addresses of the respondents and the same has been recorded.

2. The prayer sought for in the present Writ Petition is to direct the second respondent to take appropriate action on the petitioner's representation dated 27.02.2023 and to measure and fix the four boundaries of the property comprised in Survey Nos.212/11, 212/12, 212/13 measuring a total extent of 4687 Sq.ft (10.46 cents) situated in West Street, Kattukoonankurichi, Oomangalam P.O. Virudhachalam Taluk, Cuddalore 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



W.P.No.8846 of 2023

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 respondent herein, to consider the petitioner's representation dated 27.02.2023 and conduct a survey in the subject land, 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, including the adjacent owners of the subject land, as well as other persons who may be affected, owing to the survey to be conducted in the subject land and the survey report thereof shall be communicated to all such persons, within a period of four (4) weeks from the date of receipt of a copy of this order.



W.P.No.8846 of 2023

M.S.RAMESH,J.

Sni

5. With the above directions, the Writ Petition stands disposed
of. No costs.

21.03.2023

Speaking order/Non-speaking order
Index: Yes/No

Sni

To

1.The Sub Collector,
Virudhachalam Taluk,
Virudhachalam,
Cuddalore District.

2.The Tahsildar,
Virudhachalam Taluk,
Virudhachalam,
Cuddalore District.

W.P.No.8846 of 2023