



W.P.No.9334 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9334 of 2023

1.P.Krishnamurthy
2.K.Anbarasan

...Petitioners

Vs

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Tahsildar, Cheyyar Taluk,
Thiruvannamalai District.

3.The Village Administrative Officer,
Thirumpoondi Village,
Cheyyar Taluk, Thiruvannamalai District.

4.Chandra
5.Ramesh
6.Tamilarasu
7.Usha
8.Sangeetha

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider and dispose the petitioners' application vide challan No. 20211216008044 dated 16.12.2021 for survey and fix boundaries in



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Natham survey No.236/7 to an extent of 4860 sq.ft and Natham survey No.236/1 to an extent of 373 1/2 sq.ft. at Door No.193, Nemili Street, No.206, Thirumpoondi Village, Cheyyar Taluk, Thiruvannamalai District within a stipulated time as prescribed by this Court.

For Petitioners : Mr.R.Balaguru Swamy

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

ORDER

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

2. The prayer sought for in the Writ Petition is to direct the second respondent to consider the representation dated Nil/11/2021 given by the second petitioner to conduct survey of the petitioners' land in Natham survey No.236/7 to an extent of 4860 sq.ft and Natham survey No.236/1 to an extent of 373 1/2 sq.ft. at Door No.193, Nemili Street, No.206,



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Thirumpoondi Village, Cheyyar Taluk, Thiruvannamalai District.

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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 petitioners' representation dated NIL/11/2021 and conduct a survey in the subject lands, after receipt of the cost of the survey from the petitioners, if not already received, and after giving due notice to the registered holders of the land, the private respondents herein as well as other persons who may be affected, owing to the survey to be conducted in the subject lands and the survey report



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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

To

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Tahsildar, Cheyyar Taluk,
Thiruvannamalai District.
- 3.The Village Administrative Officer,
Thirumpoondi Village,
Cheyyar Taluk, Thiruvannamalai District.

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M.S.RAMESH,J.

RS/SNI

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