



W.P.No.11124 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11124 of 2023

K.Gunasekar

...Petitioner

Vs

- 1.The Tahsildar, Taluka Office,
Mathuravoyal, Mogappair
West, Chennai-37.
- 2.The Deputy Commissioner of
Police, Koyambedu Saragam,
Koyambedu, Chennai.
- 3.The Assistant Commissioner of
Police, Assistant Commissioner
Office, Anna Nagar District,
Anna Nagar, Chennai.
- 4.The Inspector of Police (Law &
Order), Mathuravoyal Police
Station, Mathuravoyal.

5.Mr.Naresh

...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 his house plot properties situated at Chennai-600116, Karambakkam, Sivapootham, Poonamalle Main Road, New No.5/85, Old S.No.1/84,



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which is total extent of 1,463 square feet as per Patta document Ambattur Taluk, Sivapootham, Vangaram, Survey No.4/1B part, New Survey No. 116/26, which is total extent of 1,538 square feet based on the petitioner's online application along with survey fee challan No.2023021602443 dated 16.02.2023 and consequently direct the 4th respondent to provide adequate police protection against the 5th respondent on the date and time of land survey by the 1st respondent.

For Petitioner : Mr.G.Kartheeban

For Respondents 1 to 4 : 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 respondent is dispensed with.

2. The prayer sought for in this Writ Petition is to direct the first respondent to consider the representation of the petitioner dated 16.02.2023 to survey his house plot properties comprise in New No.5/85,



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Old S.No.1/84, Poonamalle Main Road, Sivapootham, Karambakkam, Chennai-116 measuring an extent of 1,463 square feet (as per Patta measurement 1,538 sq.ft.) comprised in Survey No.4/1B part, New Survey No.116/26, Sivapootham Village, Ambattur Taluk, Thiruvallur 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 16.02.2023 and conduct a survey in the subject lands, after receipt of the



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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.

12.4.2023

Index:Yes/No

Speaking order/Non-speaking order

To

1.The Tahsildar, Taluka Office, Mathuravoyal, Mogappair
West, Chennai-37.

2.The Deputy Commissioner of Police, Koyambedu Saragam,
Koyambedu, Chennai.

3.The Assistant Commissioner of Police, Assistant Commissioner
Office, Anna Nagar District, Anna Nagar, Chennai.

4.The Inspector of Police (Law & Order), Mathuravoyal Police
Station, Mathuravoyal.

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M.S.RAMESH,J.

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