



W.P.No.9993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9993 of 2023

1.R.Hemakumar

2.R.Dillibabu

...Petitioners

Vs

1.The District Collector,
Tiruvallur District.

2.The Tahsildar,
Avadi Taluk, Avadi,
Tiruvallur District.

3.The Taluk Head Surveyor,
Avadi Taluk, Avadi,
Tiruvallur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take action to dispose of the petitioners' representation dated 12.07.2022 and 10.03.2023 submitted with regard to survey the land of a total extent of particulars of "A" Schedule property (1) Mr.R.Hemakumar to be reached



W.P.No.9993 of 2023

South Chennai Chief Registration District Avadi Sub Registration Circle, Tiruvallur District Avadi Circle, No.5, Morai Village, contained in New Survey Nos.232/14G1 and 232/15Q1, as per old Patta No.411 and New Patta No.10821 to Old Survey No.232/15G Pura Acres 0.24 cents of land measuring one part Acres 0.12 cents (1534 sq.ft in Survey No.232/14G part and 3722 sq.ft in Survey No.232/15Q totaling 5256 sq.ft) and a floored house built on the said plot, including electrical connection of the said house, detail of four boundaries: On the north: 2-Person "B" Scheduler R.Dillibabu Part Plot South: Plot contained in Survey No.232/15Q Part East: Plot contained in Survey No.433 West: Mettutheru, Public Road Plot Description of Four Sided Scales: North Side: 123 feet (37.8 meters): 124 feet (38 meters) South side East side: 43 feet (13.1) meters) West side: 47 feet (14.4 meters) so among this area (Acres 0.12 cents) 5256 sq.ft., belonging, and "B" Schedule Property (2) Person Mr.R.Dillibabu to be reached details South Chennai Chief Registration District Avadi Circle, Thiruvallur District Avadi Circle, No.5, Morai Village, contained in new Survey Nos.232/14G1 & 232/15Q1 as per Old Patta No.422 and New Patta No.10821, to Old Survey No.232/15G Pura Acres 0.24 cents of land measuring one part Acres 0.12 cents (2458 sq.ft. in Survey No.2458 sq.ft. in Survey No.232/14G Part & 2765 sq.ft. in Survey No.232/15Q part and 5223 sq.ft.) and a floored house built on the said plot, including electricity connection of the said house, four boundaries details: North : Plot contained in Survey No.232/15P South 1-Person "A" Scheduler R.Hemakumar Bhaga Plot East : Plot contained in Survey No.433 West



W.P.No.9993 of 2023

Mettutheru, Public Road Mo Side: Four sided dimensions detail: North side: 123 feet (38 meters), West side: 42 feet (12.6 meters) so among this area (Acres 0.12 cents) 5223 sq. "B" Schedule belonging, we are enjoying the same was acquired having setting his father C.M.Raghupathy that the same was received by settlement deed in favour of the petitioner's on 28.06.2017 before the SRO Avadi in Document No.4780/2017 dated 28.06.2017, as per Settlement Deed.

For Petitioners : Mr.V.Logeswaren

For Respondents : Mr.Yogesh Kannadasan,
Special 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 the present Writ Petition is to direct the respondents to conduct survey in the petitioners' land situated at Morai Village, Avadi Taluk, Tiruvallur District. In this regard, the petitioners herein had also given representations to the respondent on 12.07.2022 and 10.03.2023.



W.P.No.9993 of 2023

WEB COPY

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 second respondent herein to consider the petitioners' representations dated 12.07.2022 and 10.03.2023 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, including the adjacent owners of the subject lands, 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



W.P.No.9993 of 2023

WEB COPY

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.

31.03.2023

Index:Yes/No

Speaking order/Non-speaking order

hvk

To

1.The District Collector,
Tiruvallur District.

2.The Tahsildar,
Avadi Taluk, Avadi,
Tiruvallur District.

3.The Taluk Head Surveyor,
Avadi Taluk, Avadi,
Tiruvallur District.



WEB COPY



W.P.No.9993 of 2023

M.S.RAMESH,J.

hvk

W.P.No.9993 of 2023

31.03.2023