



W.P.No.9325 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.9325 of 2023

M.Sivakumar

...Petitioner

Vs

- 1.The District Collector, District
Collectorate Office,
Krishnagiri District.
- 2.The Revenue Divisional Officer,
RDO Office, Pochampalli Taluk,
Coimbatore District.
- 3.The Tahsildar, Taluk Office,
Pochampalli Taluk, Krishnagiri District.
- 4.The Land Surveyor, Barur Village,
Pochampalli Taluk, Krishnagiri District.
- 5.The Village Administrative Officer,
Chellakuttapatti Village & Post,
Pochampalli Taluk, Krishnagiri District.

6.Baskar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to consider and



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dispose the petitioner's representation dated 09/02/2023 requesting to sub-divide and issue patta to the land comprised in Survey No.5, situate at Chellakuttapatti Village, Pochampalli Taluk, Krishnagiri District and in so far as Survey Nos.6 and 8 are concerned situate at Chellakuttapatti Village, Pochampalli Taluk, Krishnagiri District to survey the land all together in Survey Nos.5, 6 and 8 admeasuring a total extent of 8.97 cents within the time frame to be fixed by this Court.

For Petitioner : Ms.S.P.Arthi

For Respondents 1 to 5 : Mr.P.Sathish,
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 third 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 grievance of the petitioner is that his representation seeking for transfer of Patta, in so far as S.No.5, Chellakuttapatti Village, Pochampalli Taluk, Krishnagiri District is concerned, has not been considered in time.



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His further grievance is that the lands comprised in S.Nos.5, 6 and 8 situated in Chellakuttapatti Village, Pochampalli Taluk Krishnagiri District need to be surveyed. Hence, he has preferred the above Writ Petition.

3. Though the petitioner herein has sought for a direction to the third respondent to survey the lands in S.Nos.5, 6 and 8 as well as for modification of patta in respect of S.No.5, this Court is of the view that the Tahsildhar concerned shall be directed to conduct a survey alone for the present and thereafter, the claim for modification of patta can be considered at a later stage.

4. 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



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land, he is required to comply with such a request within a reasonable time.

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5. In the light of the above findings, there shall be a direction to the Tahsildar concerned to consider the petitioner's representation dated 09.02.2023 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, the private respondent 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 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.

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

27.03.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

RS/SNI



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M.S.RAMESH,J.

RS/SNI

To

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