



W.P.No.9127 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9127 of 2023

E.C.Subiramanian

...Petitioner

Vs

1.The Tahsildar, Anthiyur
Taluk, Erode District.

2.The Taluk Surveyor,
Anthiyur Taluk, Erode District.

3.The Village Administrative Officer,
Ennamangalam, Anthiyur Taluk,
Erode District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to measure the petitioner's land measuring about 8.25 acres in R.S.No. 275 (old S.F.Nos.549 and 550-B) in Ennamangalam Village of Anthiyur Taluk in Erode District as per partition dated 14.12.2020 registered as Doc.No.4435 of 2020 on the file of Sub-Registrar, Anthiyur by considering the petitioner's application dated 16.12.2022.

For Petitioner : Mr.N.Ponraj
For Respondents : Mr.R.P.Murugan Raja,
Government Advocate



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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 Writ Petition is to direct respondents 1 and 2 to consider the representation of the petitioner dated 16.12.2022 to measure the petitioner's land having an extent of about 8.25 acres in R.S.No.275 (old S.F.Nos.549 and 550-B), Ennamangalam Village, Anthiyur Taluk, Erode 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.



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4. In the light of the above findings, there shall be a direction to the Tahsildar concerned to consider the petitioner's representation dated 16.12.2022 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, 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.

24.03.2023

Index:Yes/No

Speaking order/Non-speaking order

To

- 1.The Tahsildar, Anthiyur Taluk, Erode District.
- 2.The Taluk Surveyor, Anthiyur Taluk, Erode District.
- 3.The Village Administrative Officer, Ennamangalam, Anthiyur Taluk, Erode District.

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M.S.RAMESH,J.

RS/hvk

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