



W.P.No.10522 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**W.P.No.10522 of 2023**

M/s.Agni Estates and Foundations Pvt. Ltd.,  
Rep. by its General Manager-Admin,  
Temple Towers, III Floor,  
No.76, North Mada Street,  
Mylapore, Chennai - 600 004.

...Petitioner

-Vs-

- 1.District Collector,  
Chengalpattu District.
- 2.Tahsildar,  
Pallavaram Taluk Office,  
Off. 200 Feet MMRD Radial Road,  
Chengalpattu District.
- 3.The Surveyor,  
Pallavaram Taluk Office,  
Off. 200 Feet MMRD Radial Road,  
Chengalpattu District.
- 4.S.Subramanian,  
Proprietor, ABS Kalyana Mahal,  
No.59, Anna Salai,  
SVS Club Buildings,  
Chennai - 600 092.



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5.N.Venkatesan,  
Proprietor, Shree Venkatesh Mahal,  
No.110/1 & 2, MMRD-200 Ft. Radial Road,  
Pallava Garden, Zamin Pallavaram,  
Chennai - 600 117.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 & 3 to forthwith measure the lands of the petitioner company concerning 4.55 Acres comprising in 109/1A1, 109/1A2, 109/1A3, 109/1B, 109/3, 114/5C, 115/2C, 116/3, 116/4B, 116/4B2, 116/5, 116/8A, 116/11, 116/12B, 116/12A, T.S.No.17, 18, 19, 20, 21/1 to 21/15, 15, 13, 11/1, 11/2, 5/1, 6/1, 9/1, 9/2, 10, 35/1, 36 and 35/2, situated in Zamin Pallavaram Village, Ward C, Block 26, Pallavaram Taluk and Chengalpattu District and consequentially direct the respondents 2 & 3 to demarcate the same by planting of stones to mark boundaries as prayed for in the petitioner's representation to 2<sup>nd</sup> respondent dated 30.11.2022.

For Petitioner : Ms.S.Shanmitha

For R1 to R3 : Mr.P.Sathish,  
Additional Government Pleader

### **ORDER**

Heard Ms.S.Shanmitha, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for the respondents 1 to 3.



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2. Since this Court is directing the second respondent to conduct survey in the petitioner's land, after giving due opportunity to the respondents 4 and 5, notice to the respondents 4 and 5 is hereby dispensed with.

3. The prayer sought for in the present Writ Petition is to direct the respondents 2 and 3 to survey the petitioner's land, by considering the petitioner's representation dated 30.11.2022.

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

5. In the light of the above findings, there shall be a direction to the second respondent herein to consider the petitioner's representation dated



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30.11.2022 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 respondents 4 and 5 herein and 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 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.

**05.04.2023**

Index:Yes/No  
Internet:Yes/No  
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To

- 1.The District Collector,  
Chengalpattu District.
- 2.The Tahsildar,  
Pallavaram Taluk Office,  
Off. 200 Feet MMRD Radial Road,  
Chengalpattu District.
- 3.The Surveyor,  
Pallavaram Taluk Office,  
Off. 200 Feet MMRD Radial Road,  
Chengalpattu District.



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**M.S.RAMESH,J.**

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