



W.P.No.10272 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10272 of 2023

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... Petitioner

Vs.

1.The District Collector,
Krishnagiri District.

2.The Assistant Director,
Land Survey Department,
Krishnagiri District.

3.The Tahsildar,
Shoolagiri Taluk,
Krishnagiri District.

4.The Firka Surveyor,
Shoolagiri,
Krishnagiri District.

5.The Village Administrative Officer,
Chennapalli Village,
Shoolagiri Taluk,
Krishnagiri District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to measure and subdivision of the petitioner's land to an extent of 0.30 cents situated in Survey No.107/2A2B, Sennapalli Village, Shoolagiri Taluk, Krishnagiri District and issue a separate patta in the petitioner's name by considering the petitioner's representation dated 23.02.2023.

For Petitioner : Mr.P. Settu

For Respondent : Mr.V. Veluchamy,
Additional 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 measure and subdivision of the petitioner's land to an extent of 0.30 cents situated in Survey No.107/2A2B, Sennapalli Village, Shoolagiri Taluk, Krishnagiri District and issue a separate patta. In this



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regard, the petitioner herein had also given a representation to the respondents on 23.02.2023.

3. Though the petitioner herein has sought for a direction to survey the land, as well as for issuance of patta, this Court is of the view that the Tahsildar shall be directed to conduct a survey alone for the present and thereafter, the claim for issuance 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 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 third respondent herein, to consider the petitioner's representation dated 23.02.2023 and conduct a survey in the subject land, 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, including the adjacent owners of the subject land, as well as other persons who may be affected, owing to the survey to be conducted in the subject land and the survey report thereof shall be communicated to all such persons, within a period of four (4) 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.

03.04.2023

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

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M.S.RAMESH,J.

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