



W.P.No.10221 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.10221 of 2023

Balasubramaniam

... Petitioner

Vs.

The Tahsildar,
O/o. The Tahsildar,
Nambiyur – Post & Taluk,
Erode District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to conduct the survey and identify the boundaries of the petitioner's land situated in Survey No.38/2 and 38/3 to an extent of 1.25 acres, Nambiyur Village, Nambiyur – Taluk, Erode District, as per patta Nos.4475 &4476 issued by the Tahsildar, Nambiyur based on the petitioner's representation dated 06.02.2023.

For Petitioner : Mr.D. Veerasekharan

For Respondent : Mr.R.P. Murugan Raja,
Government Advocate



W.P.No.10221 of 2023

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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 present Writ Petition is to direct the respondent to conduct survey and identify the boundaries of the petitioner's land situated in Survey No.38/2 and 38/3 to an extent of 1.25 acres, Nambiyur Village, Nambiyur – Taluk, Erode District, as per patta Nos.4475 &4476 issued by the Tahsildar, Nambiyur. In this regard, the petitioner herein had also given a representation to the respondent on 06.02.2023.

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



W.P.No.10221 of 2023

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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 respondent herein, to consider the petitioner's representation dated 06.02.2023 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.

5. With the above directions, the Writ Petition stands disposed of.

No costs.

03.04.2023

Speaking order/Non-speaking order

Index: Yes/No

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W.P.No.10221 of 2023

M.S.RAMESH,J.

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To

The Tahsildar,
O/o. The Tahsildar,
Nambiyur – Post & Taluk,
Erode District.

W.P.No.10221 of 2023

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