



W.P.No.10337 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.10337 of 2023

Mrs.C. Rekha

... Petitioner

Vs.

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The Tahsildar,
Avadi Taluk,
Thiruvallur District.
- 3.The Head Surveyor,
District Survey Department,
Thiruvallur District.
- 4.The Land Surveyor,
Avadi Taluk Office,
Avadi, Thiruvallur District.
- 5.The Inspector of Police,
T-7, Tank Factory Police Station,
Avadi, Thiruvallur 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 2nd respondent to pass orders on the representation dated 25.02.2023 by measuring and fixing the boundaries stones as per the Rectification deed (Settlement Deed) dated 06.02.2023 registered as document No.1620/23 to the petitioner's property in Old S.No.313, Town S.No.2/57 New S.No.313/4 with common pathway in S.No.313/2 measuring an extent of 624 Sq.ft. At Kovilpadhakai Village, Avadi Taluk, Thiruvallur District.

For Petitioner : Mr.C. Balasundar

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

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 second respondent to measure and fix the boundary stones as per the



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Rectification deed (Settlement Deed) dated 06.02.2023 registered as document No.1620/23 to the petitioner's property in Old S.No.313, Town S.No.2/57 New S.No.313/4 with common pathway in S.No.313/2 measuring an extent of 624 Sq.ft. At Kovilpadhakai Village, Avadi Taluk, Thiruvallur District. In this regard, the petitioner herein had also given a representation to the respondents on 25.02.2023.

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 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 second respondent herein, to consider the petitioner's representation dated 25.02.2023 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

Internet: Yes/No

Neutral Citation: Yes/No

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To

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Thiruvallur District,
Thiruvallur.
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M.S.RAMESH,J.

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