



WEB COPY



W.P.No.10171 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10171 of 2023

M.Amridhavali

...Petitioner

Vs

1.The Tahsildar,
Udumalpet Taluk,
Tiruppur District.

2.Rajeshwari

3.Parimala

4.Radhakrishnan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to survey and sub-divide the petitioner's property comprised in S.F.No.111/A2A within a specific time to be fixed by this Court, by considering the petitioner's application dated 07.02.2023.

For Petitioner	: Mr.R.Kannan
For R1	: Mr.R.P.Murugan Raja, Government Advocate



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ORDER

Heard Mr.R.Kannan, learned counsel for the petitioner and Mr.R.P.Murugan Raja, learned Government Advocate for the first respondent.

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

3. The prayer sought for in the present Writ Petition is to direct the first respondent to survey the petitioner's land bearing Survey No.111/A2A, Sinnavalavadi Village, Udumalaipettai Taluk, Tiruppur District. In this regard, the petitioner herein had also made an application to the first respondent on 07.02.2023.

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



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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 first respondent herein to consider the petitioner's application dated 07.02.2023 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 2 to 4 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.



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M.S.RAMESH,J.

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

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

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To

The Tahsildar,
Udumalpet Taluk,
Tiruppur District.

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