



WEB COPY



W.P.No.10059 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.10059 of 2023

M.Chandira

...Petitioner

Vs

1.The Tahsildar,
Krishnagiri.

2.The Town Surveyor,
Municipality Office,
Gandhi Road,
Krishnagiri.

3.The Inspector of Police,
Town Police Station,
Krishnagiri.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to carry on the field inspection with the aid of 3rd respondent in Town S.No.16/4 to the extent of 0.1020.0 square meter situated at Boganapalli Village, Krishnagiri Taluk & District and consequently direct the respondents to issue patta in favour of the petitioner, pursuant to the judgment and decree passed in O.S.No.43 of 2013 on the file of the



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District Munsif Court, Krishnagiri dated 25.10.2016 within the time frame fixed by this Court.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.P.Sathish,
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 Tahsildar concerned to survey the petitioner's land in Town S.No.16/4 to the extent of 0.1020.0 square meter situated at Boganapalli Village, Krishnagiri Taluk & District and consequently to issue patta. In this regard, the petitioner herein had also given a representation to the first first and second respondents on 10.11.2022.

3.Though the petitioner herein has sought for a direction to survey the land, as well as for grant of patta, this Court is of the view that the Tahsildhar shall be directed to conduct a survey alone for the present and



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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.

5.In the light of the above findings, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 10.11.2022 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 registered holders of the land, including the adjacent owners of the subject lands, as well as other persons who may



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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.

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Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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