



WEB COPY



W.P.No.10038 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10038 of 2023

R.Palaniappan

...Petitioner

Vs

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Salem, Salem District.

3.The Tahsildar, Salem,
Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to survey the petitioner's land situated in Patta No.131 Survey No.23/8 extent of Punjai 0.88.5 and 2.18 Hectares, Theervai Rs.6.85 and 0.05 cent Vembadithalam Village, Madunchavadi SRO, Salem Taluk and District based on the petitioner's representation dated 03.01.2023.

For Petitioner : Mr.G.Punniakoti

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



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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 Writ Petition is to direct the respondents to consider the petitioner's representation dated 03.01.2023 to conduct survey of the lands in situated in Patta No.131, Survey No. 23/8, extent of Punjai 0.88.5 and 2.18 Hectares, Theervai Rs.6.85 and 0.05 cent, Vembadithalam Village, Madunchavadi SRO, Salem Taluk and District.

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



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within a reasonable time.

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4. In the light of the above findings, there shall be a direction to the Tahsildar concerned to consider the petitioner's representation dated 03.01.2023 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 registered holders of the land, 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.

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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

To

1. The District Collector, Salem District, Salem.

2. The Revenue Divisional Officer, Salem, Salem District.

3. The Tahsildar, Salem, Salem District.

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M.S.RAMESH,J.

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