



W.P.No.10725 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10725 of 2023

T.Durai

...Petitioner

Vs

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Tahsildar,
Harur Taluk, Harur,
Dharmapuri District.

3.The Taluk Surveyor,
Harur Taluk, Harur,
Dharmapuri District.

4.T.Chandrasekar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to dispose of the petitioner's application dated 19.09.2022 by measuring and demarcating the petitioner's land in S.No.41/11C, 41/4B, 40/1B, 41/11B, 41/11A and 84 of Chinnakavundampatti Village, Navalai Post, Harur Taluk, Dharmapuri and fix the boundaries within a time frame.



W.P.No.10725 of 2023

For Petitioner : Mr.G.Selvaraj
For R1 to R3 : Mr.V.Veluchamy
Additional Government Pleader

ORDER

Heard Mr.G.Selvaraj, learned counsel for the petitioner and Mr.V.Veluchamy, learned Additional Government Pleader for the respondents 1 to 3.

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

3. The prayer sought for in the present Writ Petition is to direct the 2nd and 3rd respondents to survey the petitioner's land bearing Survey Nos.41/11C, 41/4B, 40/1B, 41/11B, 41/11A and 84 of Chinnakavundampatti Village, Navalai Post, Harur Taluk, Dharmapuri. In this regard, the petitioner herein had also made an application to the second respondent on 19.09.2022.



W.P.No.10725 of 2023

WEB COPY

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 second respondent herein to consider the petitioner's application dated 19.09.2022 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 4th respondent 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



W.P.No.10725 of 2023

WEB COPY

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.

10.04.2023

Index:Yes/No

Speaking order/Non-speaking order

hvk

To

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Tahsildar,
Harur Taluk, Harur,
Dharmapuri District.

3.The Taluk Surveyor,
Harur Taluk, Harur,
Dharmapuri District.



WEB COPY



W.P.No.10725 of 2023

M.S.RAMESH,J.

hvk

W.P.No.10725 of 2023

10.04.2023