



WEB COPY



W.P.No.11699 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11699 of 2023

N.M.Raji

...Petitioner

Vs

1.The Tahsildar,
Omalur Taluk,
Salem (District).

2.The Head Surveyor,
Omalur Taluk,
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 property and to earmark the boundaries for fencing the petitioner's property on the basis of e-challan made on 16.12.2022 in connection with patta as Patta No.760 and Survey No.49/1A2, within the jurisdiction of Vellalapatti Panchayat Board Omalur Taluk, Salem District.

For Petitioner : Mr.N.Chandrasekar
For Respondents : Mrs.Akila Rajendran,
Government Advocate

ORDER



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2.The prayer sought for in the present Writ Petition is to direct the the respondents to survey the petitioner's property and to earmark the boundaries for fencing the petitioner's property on the basis of e-challan made on 16.12.2022 in connection with Patta No.760 and Survey No.49/1A2, within the jurisdiction of Vellalapatti Panchayat Board Omalur Taluk, Salem District. In this regard, the petitioner herein had also given a representation to the first respondent on 16.12.2022.

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



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boundaries of his land, he is required to comply with such a request within a reasonable time.

4. In the light of the above findings, there shall be a direction to the respondents herein to consider the petitioner's representation dated 16.12.2022 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, 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.

18.04.2023

Index: Yes/No
Speaking order/Non-speaking order
vga



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M.S.RAMESH,J.

vga

To

- 1.The Tahsildar,
Omalur Taluk,
Salem (District).
- 2.The Head Surveyor,
Omalur Taluk,
Salem District.

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