



WEB COPY



W.P.No.11309 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11309 of 2023

S.Sreenivas

...Petitioner

Vs

1.The District Collector,
Krishnagiri District.

2.The Superintendent of Police,
Krishnagiri District.

3.The District Revenue Officer,
Krishnagiri District.

4.The Tahsildar, Shoolagiri
Taluk, Krishnagiri District.

5.The Inspector of Police,
Berigai Police Station,
Krishnagiri District.

6.The Village Administrative Officer,
Koolu Village, Krishnagiri District.

7.Bairappa

8.Amaresh

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to dispose



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of the petitioner's online application No.20221212000648 dated 12.12.2022 to survey and mark the boundaries for fencing his lands in Survey Nos.23/2, 24/2 and 25/1 of an extent of 1.88 Acres situated at Kullu Village, Shoolagiri Taluk, Krishnagiri District and also directing the 5th Respondent to give adequate police protection while at the time of measuring the land within a stipulated time and on merits.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents 1 to 6 : Ms.Akila Rajendran
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the official respondents. Since this Court is directing the fourth respondent to consider the petitioner's application after giving notice to all the parties concerned, notice to the private respondents is dispensed with.

2. The prayer sought for in this Writ Petition is to direct the respondents to dispose of the online application to survey and mark the boundaries for fencing his lands in Survey Nos.23/2, 24/2 and 25/1



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situated at Kullu Village, Shoolagiri Taluk, Krishnagiri District measuring an extent of 1.88 Acres. He has sought for a further direction to the 5th Respondent to give adequate police protection at the time of measuring the land. In this regard, he had given a representation dated 08.2.2023 also to the fourth respondent and other officials.

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 within a reasonable time.

4. In the light of the above findings, there shall be a direction to the Tahsildar concerned to consider the petitioner's representation dated 08.2.2023 and conduct a survey in the subject lands, after receipt of the



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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, Krishnagiri District.
- 2.The Superintendent of Police, Krishnagiri District.
- 3.The District Revenue Officer, Krishnagiri District.
- 4.The Tahsildar, Shoolagiri Taluk, Krishnagiri District.
- 5.The Inspector of Police, Berigai Police Station,
Krishnagiri District.
- 6.The Village Administrative Officer,
Koolu Village, Krishnagiri District.

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M.S.RAMESH,J.

RS/SNI

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