



W.P.No.11691 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.11691 of 2023**

V.Venkatesan

...Petitioner

Vs

1.The District Collector,  
Collector Office Road,  
Moovendar Nagar,  
Villupuram,  
Villupuram District – 605 602.

2.The Tahsildar,  
Taluk Office,  
Vikravandi,  
Villupuram District – 605 652.

3.Sakunthala

...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 land comprised in S.No.222/2A2 measuring an extent of 10 cents belonging to the petitioner and the sub-divided land comprised in S.No.222/11 and issue patta to the petitioner with the correct measurements upon cancelling the patta No.752 issued to the third



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respondent illegally for an extent of 11 ¼ cents, considering the petitioner's representation dated 30.01.2023 at the earliest and in accordance with law.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.R.P.Murugan Raja,  
Government Advocate  
for R1 and 2

### **ORDER**

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.Since this Court is directing the official respondents to consider the petitioner's representation, after giving notice and due opportunity to the third respondent, notice to the third respondent is hereby dispensed with.

3.The prayer sought for in the present Writ Petition is to direct the the official respondents to survey the land comprised in S.No.222/2A2, measuring to an extent of 10 cents, belonging to the petitioner and the sub-divided land comprised in S.No.222/11 and issue patta to the



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petitioner with the correct measurements upon cancelling the patta No.752 issued to the third respondent for an extent of 11  $\frac{1}{4}$  cents, considering the petitioner's representation dated 30.01.2023 at the earliest and in accordance with law.

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 official respondents herein to consider the petitioner's representation dated 30.01.2023 and conduct a survey in the subject lands, after receipt of the cost of the survey from the petitioner, if not already received and



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**M.S.RAMESH,J.**

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after giving due notice to the petitioner, the third respondent, 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.

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

No costs.

**18.04.2023**

Index: Yes/No

Speaking order/Non-speaking order

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To

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Villupuram District – 605 602.
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