



W.P.No.11197 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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Kuppusamy

...Petitioner

Vs

1.The District Collector,
Salem District, Salem.

2.The District Surveyor,
District Surveyor Office,
District Collectorate Building,
Salem.

3.The Tahsildar, Mettur Taluk,
Salem District.

4.The Taluk Surveyor,
Mettur 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 2 to 4 to correct and rectify the mistakes in the Field Measurement Book (FMB) pertaining to the lands comprised in S.No.311/3C2 of Mallikuntham Village, Mettur Taluk, Salem District after making necessary survey by considering the petitioner's representation dated 23.01.2023.



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

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 this Writ Petition is to direct respondents 2 to 4 to consider the petitioner's representation dated 23.01.2023 for correcting and rectifying the mistakes in the Field Measurement Book (FMB) with regard to the lands comprised in S.No. 311/3C2 of Mallikuntham Village, Mettur Taluk, Salem District after making necessary survey.

3. Though the petitioner herein has sought for a direction to the respondents 2 to 4 to consider his representation for correcting and rectifying the mistakes in the Field Measurement Book in respect of the lands comprised in S.No.311/3C2, Mallikuntham Village, Mettur Taluk, Salem District after making necessary survey, this Court is of the view



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that the Tahsildhar concerned can be directed to conduct the survey alone for the present and thereafter, the claim for correcting and rectifying the mistakes in the Field Measurement Book can be considered at a later stage.

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 Tahsildar concerned to consider the petitioner's representation dated 23.01.2023 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



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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.

6. 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 District Surveyor, District Surveyor Office,
District Collectorate Building, Salem.

3.The Tahsildar, Mettur Taluk, Salem District.

4.The Taluk Surveyor, Mettur Taluk, Salem District.

RS/hvk



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M.S.RAMESH,J.

RS/hvk

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