



WEB COPY



W.P.No.11890 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11890 of 2023

S.Murugesan

... Petitioner

Vs.

1. The Tahsildar,
Pochamalli Taluk,
Krishnagiri District.

2. The Head Surveyor,
Pochampalli Taluk,
Krishnagiri District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to survey the petitioner's property comprised in S.Nos.101/1A, 101/2B, 102/1, 102/2A, 102/2C, 102/3 situated at Papparapatti Village, Pochampalli Taluk, Krishnagiri District and to fix the boundaries for fencing the property by considering the representation dated 21.03.2023 within a stipulated time.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Ms.Akila Rajendran
Government Advocate



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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 the present Writ Petition is to direct the respondent to conduct survey and identify the boundaries of the petitioner's land situated in S.Nos.101/1A, 101/2B, 102/1, 102/2A, 102/2C, 102/3 situated at Papparapatti Village, Pochampalli Taluk, Krishnagiri District . In this regard, the petitioner herein had also given a representation to the respondent on 21.03.2023.

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 21.03.2023 and conduct a survey in the subject land, 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, including the adjacent owners of the subject land, as well as other persons who may be affected, owing to the survey to be conducted in the subject land and the survey report thereof shall be communicated to all such persons, within a period of four (4) 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.

19.04.2023

Speaking order/Non-speaking order

Index:Yes/No

sr



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M.S.RAMESH,J.

SI

To

1. The Tahsildar,
Pochamalli Taluk,
Krishnagiri District.
2. The Head Surveyor,
Pochampalli Taluk,
Krishnagiri District

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