



WEB COPY



W.P.No.11392 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.11392 of 2023

M.Kathavarayan

...Petitioner

Vs

1.The Tahsildar, Kalasapakkam
Taluk Office, Tiruvannamalai
District.

2.The Surveyor, Kalasapakkam
Taluk Office, Tiruvannamalai
District.

3.The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.

4.K.Subramani

5.R.Manoharan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1 and 2 respondents to survey and demarcate the petitioner's land to an extent of 0.9.00 Are (22 cents) in Survey No.82A/6F, 0.34.00 Are (84 cents) in Survey No.82A/6H, 0.3.00 Are (7.5 cents) in Survey No.82A/6B and 0.42.50 Are (1.05 Acres) in Survey No.83 situated at Priayampattu Village, Poondi Post,



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Kalasapakkam Taluk, Tiruvannamalai District with the help of the 3rd respondent police based on the petitioner's payment challan No. 20230228015089 dated 28.2.2023 and the representation dated 31.3.2023.

For Petitioner : Mr.E.Sathiyaraj

For Respondents 1 to 3 : 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 first 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 respondents 1 and 2 to consider the representation dated 31.03.2023 made by the petitioner to survey and demarcate the land measuring an extent of 0.9.00 Are (22 cents) in Survey No.82A/6F, 0.34.00 Are (84 cents) in Survey No.82A/ 6H, 0.3.00 Are (7.5 cents) in Survey



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No.82A/6B and 0.42.50 Are (1.05 Acres) in Survey No.83 situated at Priayampattu Village, Poondi Post, Kalasapakkam Taluk, Tiruvannamalai District.

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 31.03.2023 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 giving due notice to the registered holders of the land, as well as other



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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 Tahsildar, Kalasapakkam
Taluk Office, Tiruvannamalai
District.

2. The Surveyor, Kalasapakkam
Taluk Office, Tiruvannamalai
District.

3. The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.

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M.S.RAMESH,J.

RS/SNI

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