



W.P.No.11524 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.11524 of 2023

G.Saraswathy

...Petitioner

-Vs-

1.District Collector,
Namakkal.

2.District Revenue Officer,
Namakkal District.

3.The Revenue Divisional Officer,
Thiruchengode Taluk,
Namakkal District.

4.Tahsildar,
Thiruchengode Taluk,
Namakkal District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to measure the property in S.No.88/3A and S.No.88/3B, Kottapalayam Village, Thiruchengode Taluk, as per the judgment dated 25.03.2022 in Second Appeal No.302/2012 and permit the petitioner to put a fence in petitioner property in S.No.88/3A and S.No.88/3B.



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For Petitioner : Mr.R.Subramanian

For Respondents : Mr.P.Sathish
Additional Government Pleader

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 first respondent to survey the petitioner's land bearing S.No.88/3A and S.No.88/3B, Kottapalayam Village, Thirucehngode Taluk. In this regard, the petitioner herein had also made an application to the fourth respondent on 13.01.2023.

3.The second portion of the prayer seeking for permission to put up a fence could be considered at a later stage, if the property is measured, by giving an opportunity to the petitioner to give a separate representation in this regard.



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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 fourth respondent herein to consider the petitioner's representation dated 13.01.2023 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 giving due notice to the registered holders of the land, including the adjacent owners of the subject lands, 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.



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M.S.RAMESH,J.

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6. With the above directions, the Writ Petition stands disposed of. No costs.

17.04.2023

Index:Yes/No

Internet:Yes/No

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To

- 1.The District Collector,
Namakkal.
- 2.The District Revenue Officer,
Namakkal District.
- 3.The Revenue Divisional Officer,
Thiruchengode Taluk,
Namakkal District.
- 4.The Tahsildar,
Thiruchengode Taluk,
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