



W.P.No.11693 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.11693 of 2023

Santhagoundar

...Petitioner

Vs

1.The District Collector,
Dharmapuri,
Dharmapuri District.

2.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

3.The Taluk Surveyor,
Pennagaram Taluk,
Dharmapuri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to dispose of the petitioner's application dated 08.03.2023 by measuring and demarcating the petitioner's land in Survey No.516/3D Patta No.1472, extent of 0.88 cent in Nathaali Village, Pennagaram Taluk, Dharmapuri District.



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For Petitioner : Mr.M.Selvam

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 the present Writ Petition is to direct the the respondents to dispose of the petitioner's application dated 08.03.2023 by measuring and demarcating the petitioner's land in Survey No.516/3D, situated at Nathaali Village, Pennagaram Taluk, Dharmapuri 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



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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 application dated 08.03.2023 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 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

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M.S.RAMESH,J.

vga

To

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