



W.P.No.12278 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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M.Pandian

...Petitioner

Vs

1.The State of Tamil Nadu, rep.
by the Secretary to Government,
Ministry of Home Affairs,
Fort St.George, Chennai-9.

2.The Collector, Chennai.

3.The Commissioner of Police,
Egmore, Chennai-8.

4.The Inspector of Police,
Kelambakkam Police Station,
Chennai-603103.

5.Rajkumar Sethupathy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to survey the land in survey Nos.365/5B and 366/1 measuring an extent of 1 acre and 39 cents situated at Padur Village, Chengalpet Village and hand over the same to the petitioner.



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For Petitioner : Mr.S.Thiruvengadam
For Respondents 1 to 4 : Mr.V.Veluchamy,
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the official respondents. In view of the nature of direction this Court proposes to issue, the writ petition is taken up for final disposal without ordering notice to the fifth respondent.

2. The prayer sought for in the present Writ Petition is to direct the second respondent to survey the petitioner's land in survey Nos.365/5B and 366/1 situated at Padur Village, Chengalpet Village measuring an extent of 1 acre and 39 cents.

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



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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. It is seen from the typed set of papers that the petitioner has not yet given any representation to the second respondent.

5. Hence, there shall be a direction to the petitioner to give a representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent shall forward it to the Tahsildar concerned so as to consider the same 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 two weeks



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M.S.RAMESH,J.

RS/SNI

therefrom.

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 Secretary to Government of Tamil Nadu,
Ministry of Home Affairs, Fort St.George, Chennai-9.
- 2.The Collector, Chennai.
- 3.The Commissioner of Police, Egmore, Chennai-8.
- 4.The Inspector of Police, Kelambakkam Police Station,
Chennai-603103.

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