



W.P.No.11903 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11903 of 2023

G.Murugan

...Petitioner

Vs

The Tahsildar, Dharmapuri
Taluk Office, Dharmapuri District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representations dated 28.12.2020 and 21.03.2023 with regard to survey and fix boundary stones in the petitioner's property comprised in S.Nos.488/6, 488/4B and 488/5B at Kuppur Village, Dharmapuri Taluk and District based on the sale deed dated 23.06.2017 vide Document No.1494/2017 and settlement deed dated 14.07.2017 vide document No.2419/2017 and passed decree and judgment in O.S.No.118/2019 on the file of the District Munsif Court, Dharmapuri within a stipulated time as fixed by this Court.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.R.P.Murugan Raja,
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 consider the petitioner's representations dated 28.12.2020 and 21.03.2023 to survey and fix boundary stones in his properties comprised in S.Nos.488/6, 488/4B and 488/5B at Kuppur Village, Dharmapuri Taluk and District based on the sale deed dated 23.06.2017 vide Document No.1494/2017 and settlement deed dated 14.07.2017 vide document No.2419/2017 and passed decree and judgment in O.S.No. 118/2019 on the file of the District Munsif Court, Dharmapuri

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



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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 21.03.2023 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.

RS/hvk

To
The Tahsildar, Dharmapuri Taluk
Office, Dharmapuri District.

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