



WEB COPY



W.P.No.11951 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.4.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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K.Bodhumani

...Petitioner

Vs

1. The District Collector,
Salem District, Salem.

2. The Tahsildar,
Gengavalli Taluk,
Salem District.

3. The Inspector of Police,
Gengavalli Police Station,
Salem District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to inspect and survey the petitioner's land comprised in 2/1C of Gengavalli Village measuring to an extent of 4 acres and 21 cents of Gengavalli Village, Gengavalli Taluk, Salem District with marking necessary boundaries for the petitioner's land with the help of the 3rd respondent and issue separate patta within a time frame to be fixed by this Court.



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For Petitioner : Mr.P.Navaneetha Krishnan

For Respondents : Mr.P.Sathish
AGP

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

2. The prayer sought for in the Writ Petition is to direct the 2nd respondent to inspect and survey the petitioner's land comprised in 2/1C of Gengavalli Village measuring to an extent of 4 acres and 21 cents of Gengavalli Village, Gengavalli Taluk, Salem District and issue individual patta. In this regard, the petitioner herein had also given a representation to the first respondent on 26.4.2022.

3. Though the petitioner herein has sought for a direction to the second respondent to survey the land and issue individual patta in her favour, this Court is of the view that the Tahsildar concerned shall be directed to conduct a survey alone for the present and thereafter, the claim for issuance of individual patta can be considered at a later stage.

4. While Section 9 of the Tamil Nadu Survey and Boundaries Act,



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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 Tahsildar concerned to consider the petitioner's representation dated 26.04.2022 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.



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M.S.RAMESH,J.

sr

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

sr

To

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Salem District.
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