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W.P.No.12609 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12609 of 2022

P.Baskar

...Petitioner

Vs

1.The Tahsildar,
Taluk Office,
Kunnam Taluk,
Perambalore District – 621 716.

2.The Inspector of Police,
Kunnam Police Station,
Kunnam Taluk,
Perambalore District – 621 716.

3.Anbazhagan

4.Periyasamy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to survey the petitioner's agriculture land properties situated at Perambalore District, Kunnam Taluk, Thungapuram Village, Survey No.79/10, as per patta document as Ayan Punja Survey No.79/10C which is total extent of 64 cents with police aid.



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For Petitioner : Mr.M.Jaisingh

For Respondents : Mr.P.Sathish,
Additional Government Pleader
for R1 and 2
Mr.K.Balu for R3 and 4

ORDER

Heard Mr.M.Jaisingh, learned counsel for the petitioner,
Mr.P.Sathish, learned Additional Government Pleader for respondents 1
and 2 and Mr.K.Balu, learned counsel for respondents 3 and 4.

2.The prayer sought for in the present Writ Petition is to direct the
the first respondent to survey the petitioner's agriculture land in Survey
No.79/10, measuring to an extent of 64 cents, situated at Perambalore
District, Kunnam Taluk, Thungapuram Village, with police aid.

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 official respondents herein to consider the petitioner's representation dated 14.04.2022 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 petitioner, respondents 3 and 4, 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.

19.04.2023

Index: Yes/No
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M.S.RAMESH,J.

vga

To

1.The Tahsildar,
Taluk Office,
Kunnam Taluk,
Perambalore District – 621 716.

2.The Inspector of Police,
Kunnam Police Station,
Kunnam Taluk,
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