



W.P.(MD).No.12462 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.12462 of 2023

V.Selvam

... Petitioner

Vs.

1.The Tahsildhar,
Nilakottai Taluk,
Dindigul District.

2.The Assistant Director,
Director of Survey and Land Records,
Dindigul District.

3.The Inspector of Police
Ammayanaickanur Police Station,
Ammayanaickanur,
Nilakottai Taluk,
Dindigul District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 20.04.2023 and to take steps to send the Municipal Surveyor to the petitioner's land for the purpose of measuring and demarcating his land and to fix the four boundaries by giving proper notice to his neighbors by getting assistance from the respondent No.3.



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For Petitioner : M/s.S.Jenifer Evangelin Veronica
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The prayer sought for in the present Writ Petition is to direct the first respondent to consider the petitioner's representation dated 20.04.2023 to measure the land in Survey No.30/6B measuring 3380 sq.ft in Oruthattu Village, Nilakottai Taluk, Dindigul 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 boundaries of his land, he is required to comply with such a request within a reasonable time.



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4. In the light of the above findings, there shall be a direction to the Tahsildar concerned to consider the petitioner's representation dated 20.04.2023 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 (4) weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

25.05.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



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To

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M.S.RAMESH, J.

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