



W.P.(MD).No.12531 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.12531 of 2023

K.Karuppasamy

... Petitioner

Vs.

1.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

2. The Firka Surveyor,
Thirupparankundram Taluk,
Madurai District.

3. Baathala Pandi

4. Mari

5. Velu

6. Sakkaiah

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey the petitioner's land to an extent of 0.48.50 hectares comprised in Survey No.312/2A in Patta No.140 and the land to an extent of 0.26.00 Hectares comprised in Survey No.312/1 in Patta No.446 situated at Nilaiyur II Bit Village, Thirupparankundram Taluk, Madurai District, based on the application made by the petitioner dated 28.11.2022 and 12.04.2023 within the time frame as fixed by this Court.



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For Petitioner : Mr.A.Karthik
For R-1 &R-2 : Mr.P.T.Thiraviyam
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the official respondents. Since this Court is directing the respondents 1 and 2 to consider the petitioner's representation after giving notice to all the parties concerned, notice to the private respondents is dispensed with.

2. The prayer sought for in the present Writ Petition is to direct the respondents 1 and 2 to survey the petitioner's land to an extent of 0.48.50 hectares comprised in Survey No.312/2A in Patta No.140 and the land to an extent of 0.26.00 hectares comprised in Survey No.312/1 in Patta No.446 situated at Nilaiyur II Bit Village, Thirupparankundram Taluk, Madurai District, based on the applications made by the petitioner, dated 28.11.2022 and 12.04.2023.



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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.

4. In the light of the above findings, there shall be a direction to the Tahsildar concerned to consider the petitioner's representation dated 12.04.2023 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 weeks from the date of receipt of a copy of this order.



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5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

25.05.2023

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

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To

1.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

2. The Firka Surveyor,
Thirupparankundram Taluk,
Madurai District.



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M.S.RAMESH, J.

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