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W.P.No.38658 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.38658 of 2024

P.Malarkodi

... Petitioner

Vs.

1.The District Collector
Collectorate, Vengikkal,
Tiruvannamalai 606604.

2.Director Of Survey And Land Records
District Survey Unit,
Tiruvannamalai.

3.The Thasildar
Office Of The Thasildar, Keezhpennathur Taluk,
Tiruvannamalai.

4.The Taluk Head Surveyor
Office Of The Thasildar, Keezhpennathur Taluk,
Tiruvannamalai.

5.Taluk Sub-Inspector
Office Of The Thasildar, Keezhpennathur Taluk,
Tiruvannamalai.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India

praying for issuance of a writ of Certiorarified Mandamus, calling for the



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records in Na.Ka.No. 206/2024 dated 22.05.2024 issued by the 3rd respondent and quash the same and consequently direct the respondents 3 to 5 to survey the land of the petitioner situated at Keezhpennathur Taluk, Neivaanatham Village, Tiruvannamalai District measuring a total extent of 99 cents comprised in 36/13-A, 36/13-D, 36/14-B, 36/16C and 60/24 and lay the survey stones based on the petitioners Online Application Challan No. 20231129004136 dated 29.11.2023.

For Petitioner : M/s.P.D.Anbarasan

For Respondents : M/s.A.Selvendran, Spl.GP
for R.1 to R.5

ORDER

The Writ Petition is filed for the following reliefs:-

" calling for the records in Na.Ka.No. 206/2024 dated 22.05.2024 issued by the 3rd respondent and quash the same and consequently direct the respondents 3 to 5 to survey the land of the petitioner situated at Keezhpennathur Taluk, Neivaanatham Village, Tiruvannamalai District measuring a total extent of 99 cents comprised in 36/13-A, 36/13-D, 36/14-B, 36/16C and 60/24 and lay the survey stones based on the petitioners Online Application Challan No. 20231129004136 dated 29.11.2023 "



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2. The petitioner's request for surveying the subject land was rejected by the 3rd respondent stating that a neighbouring land owner had objected and was preventing the authorities from placing the boundary stones and therefore directions had to be obtained from a Civil Court for the survey. Aggrieved by this, the petitioner is before this Court.

3. Heard the learned counsels on either side.

4. The provisions of Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 gives power to the Survey Officer to make enquiries where boundary is disputed and to determine the boundary and to record the same in writing giving reasons for his decision. Such decision shall be taken after notice to the parties to the dispute and the other registered holders of the lands who would be affected by the said decision. Therefore, in the instant case, the 3rd and 4th respondents ought to have considered and passed orders on the objections given, instead of rejecting the petitioner's request to survey the subject land.

5. Considering the above, the Writ Petition is allowed. The impugned order passed by the 3rd respondent dated 22.05.2024 is quashed



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and the respondents 3 to 5 are directed to consider the petitioner's online application dated 29.11.2023 and conduct survey of the subject property.

The petitioner shall submit all the relevant records to show her title to the property and the respondents 3 to 5 shall, after issuing notice and receiving objections from the neighbouring land owners and interested parties, hold an enquiry and thereafter proceed to pass orders either surveying and subdividing the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The said exercise shall be completed within a period of 2 months from the date of receipt of a copy of this order.

19.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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