



W.P.(MD).No.31263 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.01.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.31263 of 2023

M.Booma Devi

.. Petitioner

Vs.

1.The Tahsildar,
Illupur Taluk,
Pudhukottai District.

2.The Taluk Surveyor,
Illupur Taluk,
Pudhukottai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 and 2 to survey and determine the boundaries of the properties of the petitioner measuring an extent of 0.8½ Cents in Sy.No.117-10B, Perumanadu Village, Illupur Taluk, Annavasal Sub Register District under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 within a specific time limit stipulated by this Court.

For Petitioner : Mr.R.Ravindran

For Respondents : M/s.Christy Theboral
Additional Government Pleader



WEB COPY



W.P.(MD).No.31263 of 2023

ORDER

The Writ Petition is filed seeking for a Writ of Mandamus to direct the respondents to survey and determine the boundaries of the properties of the petitioner measuring an extent of 0.8½ Cents in Survey No.117-10B, Perumanadu Village, Illupur Taluk, Annavasal Sub Register District under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 within a stipulated time.

2. According to the petitioner, the subject property stands in the name of her husband, Murugesan, S/o.Rengaiah Asari, in Patta No.2207. After his death, the property devolved upon his legal heirs. The petitioner has got a registered power of attorney in Document No.2079/2023 from her son, Hariharan, to manage the property in Survey No.117-10B. According to the petitioner, there is dispute between the parties regarding the boundary and the boundaries could not be demarcated. Hence, the petitioner seeks the intervention of this Court to issue direction to the respondents to survey and determine the boundaries of her property officially.



W.P.(MD).No.31263 of 2023

3. The learned counsel for the petitioner submitted that as per Section 10 of the Survey and Boundaries Act, 1923, if there is a boundary dispute, the Survey Officer, after conducting an enquiry, shall determine the boundary and record it in accordance with his decision and reasons to be stated regarding the same. Section 10(1) notice shall be given to the parties concerned regarding the dispute and the property can be measured. Further, he submits that the respondents have not considered the petitioner's representation dated 19.12.2023 and hence, seeks for issuance of Writ of Mandamus.

4. The learned Additional Government Pleader submits that as per Patta No.2207, the property stands in the name of Murugesan, S/o.Rengiah Asari, but the property is not in his possession and one Chinnathambi, S/o.Vadivel Asari has been doing agricultural activities in the said lands as per the enquiry, when the respondents went to survey the same. The SLR copy obtained from the office of the District Collector shows that the property in Survey No.117-10 measuring 0.33.6 Ares stands in the name of Vadivel Asari and his son Chinnathambi is doing the agricultural activities. There is a dispute regarding the said land and they could not measure the



W.P.(MD).No.31263 of 2023

same. If the Court passes appropriate orders, the respondents will measure the land and appropriately decide the issue.

5. There is no dispute that the property in Survey No.117-10, measuring 0.33.6 Ares, stands in the name of Vadivel Asari, which is in possession of the legal heirs of the said Vadivel Asari. It is seen that the property in Survey No.117-10B measuring 0.8½ Cents belongs to the petitioner's husband, Murugesan. The petitioner's husband Murugesan died and now, the property is in possession of Hariharan and the petitioner. Hence, this Court directs the respondents to survey and determine the boundaries of the property in Survey No.117-10B, as per the title documents, through which the petitioner is claiming right over the property and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. The respondents can survey the said property with the help of police protection, for which, the petitioner has to bear the cost.



W.P.(MD).No.31263 of 2023

6. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

02.01.2024

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

To

1.The Tahsildar,
Illupur Taluk,
Pudhukottai District.

2.The Taluk Surveyor,
Illupur Taluk,
Pudhukottai District.



WEB COPY



W.P.(MD).No.31263 of 2023

V.BHAVANI SUBBAROYAN,J.

Lm

W.P.(MD).No.31263 of 2023

02.01.2024