



W.P.No.33022 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 01.09.2025

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The HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.33022 of 2025

A.Chinnappan

...Petitioner

Vs.

1. The District Collector,
Salem District, Salem.
2. The Tahsildhar,
Mettur Taluk, Mettur,
Salem District.
3. The Taluk Head Surveyor,
Mettur Taluk, Mettur,
Salem District.
4. A.Natesan
5. The Inspector of Police,
Jalakandapuram Police Station,
Jalakandapuram, Mettur Taluk,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 2 & 3 to survey and demarcate the boundaries of lands in S.Nos.28/1B, 28/2B, 28/2D and 28/2E, situated at Thoramangalam Revenue Village, Mettur Taluk, Salem District based on the application of the petitioner dated 29.04.2025 and 07.08.2025 respectively with help of the fifth respondent police.



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For Petitioner : Mr.M.R.Jothimanian
For R1 to R3 : Mrs.S.Indhu Bala (R1 to R3)
Additional Government Pleader
For R5 : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

Mrs.S.Indhu Bala, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3. Mr.L.Baskaran, learned Government Advocate (Crl.Side) takes notice on behalf of the 5th respondent. With consent, the main writ petition is taken up and disposed of at the stage of admission itself.

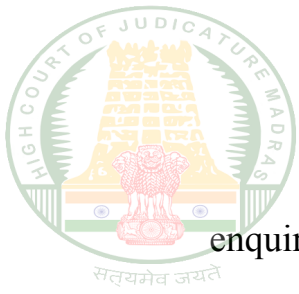
2. This Writ Petition has been filed seeking direction to the respondents 2 & 3 to survey and demarcate the boundaries of lands in S.Nos.28/1B, 28/2B, 28/2D and 28/2E, situated at Thoramangalam Revenue Village, Mettur Taluk, Salem District based on the application of the petitioner dated 29.04.2025 and 07.08.2025 respectively with help of the fifth respondent police.



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3. The learned counsel for the petitioner would submit that initially the petitioner made application to the 2nd respondent on 29.04.2025 to survey and to fix boundaries with respect to the petitioner's land. In pursuant of the said application, a notice was issued by the 3rd respondent to the parties concerned for conducting survey on 30.05.2025. Since the 4th respondent made an objection for surveying the said properties, no survey has been conducted. Therefore, the petitioner made another online application along with necessary fees for survey on 07.08.2025, before the respondents. Since, no action has been taken till date, the petitioner is before this Court by way of this Writ Petition.

4. Mrs.S.Indhu Bala, learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that pursuant to the petitioner's application, initially notice was issued to the petitioner for surveying his properties. Due to the objection made by the 4th respondent, the said exercise could not be carried out for the reason that as provisions of Section 10 (1) of the Tamil Nadu Survey and Boundaries Act, in case of dispute with regard to boundary, the survey officer has to conduct the



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enquiry and determine the boundary and record the same in writing.

Further, he would submit that survey will be conducted with respect to the subject property after complying with provisions of the aforesaid Act.

5. Heard both sides. Perused the records.

6. In the case on hand, it appears that pursuant to the earlier application submitted by the petitioner, 3rd respondent issued notice to the parties concerned for surveying the petitioner's property. Due to the objection raised by the 4th respondent the survey could not be done. Because as per Section 10 (1) of the Act, in case of dispute with respect to the boundaries, the survey officer has to make inquiry and determine the boundary. In this context, it would be apposite to extract Section 10(1) of the Act and the same is extracted hereunder:

“10(1) Where a boundary is disputed, the survey officer, after making such inquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision. The survey officer shall record in writing the reasons for his decision.”



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7.A reading of the Section 10(1) of the Act makes it clear that in the event of dispute with regard to boundary, the survey officer shall conduct enquiry and determine the boundary and record his decision in writing.

8. In such view of the matter, this Court directs the respondents to conduct the survey with respect to the property in question and demarcate the boundaries, after issuing notice to the petitioner and the other parties concerned and thereafter pass orders on the petitioner's application dated 07.08.2025 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is needless to state that in the event of any obstruction by any of the persons at the time of conducting the survey, the respondents shall seek police protection and complete the work.

9. With the above directions, this writ petition is disposed of. No costs.



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WEB COPY 10. Post 'For Compliance' on 27.10.2025.

01.09.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No

To

1. The District Collector,
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Salem District.
3. The Taluk Head Surveyor,
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KRISHNAN RAMASAMY, J.

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