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WP.No.295 of 2025

In the High Court of Judicature at Madras

Dated : 09.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.295 of 2025

Kaliyaperumal

Vs

...Petitioner

1.The Assistant Commissioner
of Survey & Land Records,
Collectorate Campus, Cuddalore,
Cuddalore District. Tamil Nadu.

2.The Tahsildar, Office of the
Tahsildar, Bhuvanagiri,
Cuddalore District. Tamil Nadu.

3.S.M.Raja Raja Chozan

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first and the second respondents to survey the land survey Nos.253/8, 253/6 and 253/5 at Sethiyathope Village, Chidambaram Taluk, Cuddalore District as per the original measurements in the Field Measurement Book (FMB), revenue record pertains to the said lands and after such a survey, put necessary survey mark/service stone demarcating the aforesaid lands by metes and bounds, considering the petitioner's online application No.2024/N123/18/008356 dated 28.11.2024.



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WP.No.295 of 2025

For Petitioner : Mr.P.R.Thiruneelakandan
For R1 & R2 : Mr.A.Selvendran, SGP

ORDER

Seeking a Mandamus to respondents 1 and 2 to consider his online application dated 28.11.2024 to conduct a survey and demarcate the boundaries in respect of the property in survey Nos. 253/8, 253/6 and 253/5 at Sethiyathope Village, Chidambaram Taluk, Cuddalore District as per the original measurements in the Field Measurement Book, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 and 2.

3. The petitioner would contend that he is the absolute owner of the property in survey No.253/8 situated at Sethiyathope Village, Chidambaram Taluk, Cuddalore District. He had put up a residential construction in the said property and has been residing there for over three decades. Adjoining the property owned by him, the third respondent owns a house site at survey No.253/6 having the width of 7.2 meters. Similarly, the property at survey No.253/5 belongs to one Mr.Anbazhagan having a width of 6.2 meters. Further, as per the field measurement book, the total width comes to 13.4 meters.

4. As there was a dispute between the third respondent and the



WP.No.295 of 2025

said Mr.Anbazhagan with respect to the boundaries, at the instance of the third respondent, without adhering to the measurements in the field measurement book and the revenue records, a survey was conducted in respect of survey No.253/6 to the width of 8.6 meters instead of 7.2 meters, by which, the actual boundaries to the width of 1.4 meters differs on the southern side. Aggrieved by the wrong survey, the petitioner made an online application dated 28.11.2024 to the second respondent seeking to conduct a survey and demarcate the boundaries of the property owned by him by paying necessary charges. Despite that, no action has been taken. Hence the writ petition.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the second respondent to conduct survey in respect of the subject property. The petitioner shall submit all the relevant records to show his title to the subject property and the second respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter pass orders either surveying the subject property and demarcating its boundaries or rejecting the request. In case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order. No costs.



WEB COPY



WP.No.295 of 2025

09.1.2025

P.T.ASHA,J

RS

To

- 1.The Assistant Commissioner
of Survey & Land Records,
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- 2.The Tahsildar, Office of the
Tahsildar, Bhuvanagiri,
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WP.No.295 of 2025

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