



WEB COPY

W.P.No.2218 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2218 of 2023

and

W.M.P.No.2295 of 2023

K.Chandran

... Petitioner

Vs.

- 1.The District Collector
Dharmapuri District
Dharmapuri.
- 2.The District Revenue Officer
Dharmapuri District
Dharmapuri.
- 3.The Tahsildar
Dharmapuri Taluk
Dharmapuri.
- 4.The Head and Taluk Surveyor
O/o. Tahsildar
Dharmapuri Taluk
Dharmapuri.
- 5.The Inspector of Police
Krishnapuram Police Station
Dharmapuri District.
- 6.Manickam



7.Maadhu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 3 and 4 from conducting the Survey in respect of the land in comprised in Survey Nos.302, 302/6, 303/4, 303/5 and 303/6 situate at Krishnapuram Village, Dharmapuri Taluk and District based on the objection of petitioner dated 20.01.2023.

For Petitioner	: Mr.C.Prabakaran
For R1 to R5	: Mr.G.Krishna Raja Additional Government Pleader
For R6	: Mr.N.Vijaya Baskar For M/s. Law Vision
For R7	: Not Ready in Notice

ORDER

The writ of mandamus has been instituted to forbear the respondents 3 and 4 from conducting the Survey in respect of the land comprised in Survey Nos.302, 302/6, 303/4, 303/5 and 303/6 situate at Krishnapuram Village, Dharmapuri Taluk and District based on the objection of petitioner dated 20.01.2023.



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2. The relief as such sought for in the present writ petition lost its relevance, in view of the fact that the Survey Authorities based on the application submitted by the 6th respondent had conducted survey and completed the process. The memo dated **27.01.2023** reveals that the 6th respondent filed W.P.No.27981 of 2022 and pursuant to the directions issued by this Court, the subject property was surveyed at the instance of the 6th respondent.

3. The learned counsel for the petitioner made a submission that the writ petitioner raised an objection that the Civil Suit is pending and without taking into consideration the survey was conducted.

4. May that as it be, the survey under the provisions of the Tamil Nadu Survey and Boundaries Act would not confer any title on any one of the parties. The provisions of the Tamil Nadu Survey and Boundaries Act cannot be misinterpreted nor misconstrued for the purpose of determining the title, ownership, possession or otherwise. The very purpose of the Act is to fix the boundaries in respect of the unsettled lands and the private dispute between the parties cannot be resolved by conducting a survey under the provisions of



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the Tamil Nadu Survey and Boundaries Act. Thus, no one is entitled to claim any right merely based on the survey report prepared under the provisions of the Tamil Nadu Survey and Boundaries Act. The title, ownership and civil rights are to be established only through the Civil Court of Law and therefore, the parties if at all aggrieved from and out of any issues, they have to approach the Civil Court for the purpose of redressal of their grievances.

5. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

15.06.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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To

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2.The District Revenue Officer
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S.M.SUBRAMANIAM, J.

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