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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

W.P.No.18376 of 2023

1. K.Govindasamy
2. K.Radha
3. K.Anandan ... Petitioners

**Vs.**

1. The Revenue Divisional Officer,
   Arani Division, Thiruvannamalai District.

2. The Thasildar,
   Jamunamarathur Taluk,
   Thiruvannamalai District.

3. The Village Administrative Officer,
   Palamarathur Panchayat,
   Jamunamarathur Taluk,
   Thiruvannamalai District.

4. The Land Surveyor
   Taluk Office, Jamunamarathur Taluk,
   Thiruvannamalai District. ... Respondents

**Prayer :-** Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus, directing the Respondents to consider the representation of the petitioner dated 14.10.2022 to survey the land and put boundary stone and sub divide the petitioners' properties

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situated at Velichalanoor village, Melseelanpatty Madura, Jamunamarathur Taluk, Thiruvannamalai District, bearing Patta No.193, Survey No.215/3 A Old Survey No.215/2 as per sale deed document No.6932 of 2022, 6933 of 2022 dated 23.08.2022 in accordance with law to secure the ends of justice.

For Petitioners : Mr.R.Sankarasubbu
For Respondents (R1 to R3) : Mr.S.Ravichandran, A.G.P.

**O R D E R**

The relief sought for in the writ petition is to direct the Respondents to consider the representation of the petitioner dated 14.10.2022 to survey the land and put boundary stone and sub divide the petitioners' properties situated at Velichalanoor village, Melseelanpatty Madura, Jamunamarathur Taluk, Thiruvannamalai District, bearing Patta No.193, Survey No.215/3 A Old Survey No.215/2 as per sale deed document No.6932 of 2022, 6933 of 2022 dated 23.08.2022 in accordance with law to secure the ends of justice.

2.The issues raised in the present writ petition were adjudicated by this Court in a batch of writ petitions in ***W.P.Nos.37519 of 2016 & etc.,*** batch, and a judgment was delivered on ***19.06.2023*** and the relevant

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paragraphs of the judgment are extracted hereunder:

*"36. Section 9 of the Code of Civil Procedure unambiguously contemplates that "The Courts shall have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred".*

*37. Therefore, a special enactment has no relevance with reference to a right of the parties to approach the competent Civil Court of law to resolve all nature of civil disputes including boundary dispute, survey dispute, title dispute, ownership or otherwise. Therefore, neither the parties nor the authorities need to create an impression that in the event of boundary dispute, the parties have to approach the authorities at the first instance. It is not required that the aggrieved persons, in the event of boundary dispute has to approach the authorities for fixing the boundary, they are at liberty to approach the Civil Court of law under Section 9 of the Code of Civil Procedure, which is unambiguous in this regard.*

*38. Submitting an application for fixing boundary is an option available to the aggrieved persons. Once an application is filed, whether the application is entertainable*

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*under the provisions of the Act is to be determined by the authorities and only if it is falling within the ambit of the Act, then alone the survey or fixing of boundary is to be undertaken. Even in this case, the authorities are bound to relegate the parties to the competent Civil Court of law under Section 14 of the Act.*

*39. It is contended by the petitioner that the authorities are making certain findings regarding the title, ownership in their order, while rejecting the applications. Such findings made by the authorities either in the patta proceedings or in the proceedings under the Survey and Boundaries Act are restricted and to be understood only for the purpose of arriving a conclusion under the provisions of the Act and the said patta proceedings or the proceedings under the Survey and Boundaries Act would not confer any title or be taken as a conclusive decision, more specifically under Section 35 of the Evidence Act.*

*40. Accordingly, the respondents are directed to consider the representations / applications submitted by the petitioners in the order of seniority and by following the procedures as contemplated under the Governmental orders and in consonance with the provisions of the Survey and Boundaries Act, 1923 and pass appropriate orders on merits*

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*and in accordance with law. Wherever the applications are already disposed of and appeals provided under the Act has been filed, then such appeals are to be decided on merits and in consonance with the provisions of the Survey and Boundaries Act."*

3.In view of the fact that the case of the petitioner is also similar to that of the cases (cited *supra*), the case of the petitioner is also to be considered on the same line. Accordingly, this writ petition stands **disposed of**. No costs.

(sha) 23.06.2023
Index : Yes (½)
Speaking Order
Neutral Citation : Yes

To

1. The Revenue Divisional Officer,
   Arani Division, Thiruvannamalai District.

2. The Thasildar,
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4. The Land Surveyor
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**S.M.SUBRAMANIAM. J.,**

(sha)

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