



W.P.No.17670 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.17670 of 2023

V.Srinivasan

...Petitioner

Vs

1.The District Collector,
Salem.

2.The Tahsildar,
Taluk Office,
Kadayampatti Taluk,
Salem District.

3.The Village Administrative Officer,
Kanjanaickanpatti Village,
Kadayampatti Taluk,
Salem District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to proceeding in Na.Ka.No.23/2022/t dated 27.03.2023 passed by the 2nd respondent, quash the same consequently direct the 2nd respondent to survey the property in S.Nos.139/10, 139/11, 139/1A, 139/1B, 139/2, 139/3, 139/4, 139/8 an extent of 4 acres at Kanjanaickenpatti Village, Kadayampatti Taluk, Salem District.



W.P.No.17670 of 2023

For Petitioner : Mr.M.Elango
For Respondents : Mr.N.Naveenkumar
Government Advocate
for R1 to R3

ORDER

The order impugned passed by the Tahsildar declining the request of the petitioner to survey the land is under challenge in the present writ petition.

2. The petitioner states that his father owned agricultural land and patta was granted in his name. The petitioner made an application on 29.10.2019 to survey the property. Since no action was taken, the petitioner filed W.P.No.16347 of 2022 and this Court passed an order on 30.06.2022 directing the 2nd respondent to consider the representation submitted by the writ petitioner on 01.03.2021 and pass orders. However, the 2nd respondent has not considered the representation of the petitioner, therefore the petitioner filed contempt petition and thereafter, the impugned order has been passed by the 2nd respondent.



W.P.No.17670 of 2023

3. Perusal of the impugned order reveals that a civil suit in

O.S.No.350 of 2014 is pending with regard to dispute between the parties.

In view of the fact that the civil dispute between the parties are pending, the Government surveyor may not be in a position to conduct survey under the provisions of the Tamil Nadu Survey and Boundaries Act. The survey officers are not empowered to resolve the boundary dispute between the private parties. The scope of the provisions of the Tamil Nadu Survey and Boundaries Act, 1923 cannot be expanded for the purpose of determining the civil rights between the private parties.

4. In the present case, civil suit has already been instituted and subjudiced. If at all the lands are to be surveyed, the petitioner has to approach the Civil Court of law by filing an interlocutory application or seek appropriate relief. When the Code of Civil Procedure contemplates procedures for redressal of such reliefs, the petitioner's application to survey the land under the Survey and Boundaries Act cannot be entertained at all. Thus, the petitioner is at liberty to redress his grievances in the pending civil litigation in the manner known to law.



W.P.No.17670 of 2023

5. With this observation, the Writ Petition stands disposed of.

WEB COPY However, there shall be no order as to costs.

15.06.2023

Index : Yes/ No

Speaking order : Yes /No

Sgl

To

1.The District Collector,
Salem.

2.The Tahsildar,
Taluk Office,
Kadayampatti Taluk,
Salem District.

3.The Village Administrative Officer,
Kanjanaickanpatti Village,
Kadayampatti Taluk,
Salem District.



WEB COPY



W.P.No.17670 of 2023

S.M.SUBRAMANIAM, J.

Sgl

W.P.No.17670 of 2023

15.06.2023