



W.P.No.18029 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.18029 of 2023

C.Chellam @ Chellamma

... Petitioner

Vs

1.The District Collector,
Salem – District,
Salem.

2.The Revenue Divisional Officer,
Salem – District, Salem.

3.The Tahsildar,
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 the proceedings passed by the 3rd respondent in Na.Ka.No.3002/2022/A1, dated 20.01.2023 and quash the same and consequently direct the 3rd respondent to transfer the patta given in the name of the petitioner's husband vide HSD 1060/1407/..97 dated 25.11.1997 to the name of the petitioner.

For Petitioner

: Mr.D.Balachandran

For Respondents

: Mr.T.Arunkumar

Additional Government Pleader



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ORDER

The memo issued by the Tahsildar on 20.01.2023 is sought to be quashed in the present writ petition.

2. The petitioner states that her husband Chinnaraju purchased the land in Old Survey No.507/1 New Survey No.625/8 in Kuppinaickanoor, Kongupatty North Village, Kadaiyampatty Taluk measuring about 1305 sq.ft. Vide Document No.662 of 1995. In the year 1997, the Tahsildar, Omalur had granted Anubandham housing patta vide Proceeding No. HSD 1060/1407/..97 dated 25.01.1997 for about 0.0128.50 sq.m. in Old S.No.507/1 and New S.No.625/8 Kuppinaickanoor, Kongupatty North Village, Kadaiyampatty Taluk.

3. The petitioner submitted an application under the Tamil Nadu Survey and Boundaries Act to measure the land belonging to the petitioner. The authorities based on the application made an attempt to conduct survey in respect of the land belonging to the petitioner for the purpose of grant of patta. However, the petitioner herself raised an objection by stating that the entire land is to be surveyed, failing which, she will not permit the authorities to survey. The authorities insisted that the land belonging to the



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petitioner alone will be surveyed based on the provisions of the Act.

However, the petitioner herself has insisted the authorities to survey the entire portion of the land including the land assigned in favour of the other persons. The applicant cannot insist the authorities to survey the land beyond the scope of the document in possession of the applicant. That apart, the Survey and Boundaries Act is not intended to resolve the civil disputes between the parties.

4. The very purpose and object of the Act is to settle the boundaries and the Act was enacted in the year 1923 and hundred years lapsed. The boundaries have already been settled and now the survey authorities are in the process of maintaining the revenue records. For the purpose of maintenance, they have to exercise the powers in a limited manner so as to effect sub divisions, if required or allotted survey numbers or otherwise. Contrarily, the Surveyors cannot be utilised for the purpose of resolving the dispute between the parties nor the Surveyors are empowered to make any findings in respect of the title or ownership or otherwise. If at all there is any objection from any person, then the survey authorities are bound to relegate the parties to approach the Civil Court of Law and they cannot make any



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finding regarding documents or title or otherwise. The order passed by the 3rd respondent in the present writ petition reveals that there was an objection and the petitioner herself raised an objection and insisted the Surveyors to survey the entire land. That being the factum, the petitioner is not entitled for the relief as sought for in the present writ petition. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs.

20.06.2023

Index : Yes/ No

Speaking order : Yes /No

Sgl

To

- 1.The District Collector,
Salem – District, Salem.
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- 3.The Tahsildar,
Kadayampatti Taluk,
Salem – District.

S.M.SUBRAMANIAM, J.



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