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W.P.No.19342 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19342 of 2023

and

W.M.P.No.18616 of 2023

Mrs.N.Rani

... Petitioner

Vs.

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Sub Collector,
Cheyyaru, Thiruvannamalai.

3.The Tahsildar,
Taluk Office, Chetpat Taluk,
Thiruvannamalai District.

4.G.Kannappan

5.A.Shiva

6.G.Rajendran

7.R.Krishnamurthy

8.T.Periya Goundan

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third Respondent herein to give effect to the order dated 06.10.2022 passed by the first Respondent in Na.Ka.M4/29966/2022 referring to the orders passed by this Court dated 09.03.2022 in W.P. No. 5340 of 2022 and to survey the land belonging to the petitioner comprised in Old Survey No.201/1, New Survey No.250/28, Patta No.128, measuring an extent of 266 Sq.mts. situated at Vellukampattu village Chetpat Taluk, Thiruvannamalai District, and to install boundary stones around the above said property and also to make necessary changes in the Revenue Records, and to issue patta in favour of the petitioner on sub division.

For Petitioner	: Mr.S.Sadasharam
For R1 to R3	: Mr.C.Jaya Prakash Government Advocate

ORDER

The writ of mandamus has been instituted to direct the third Respondent herein to give effect to the order dated 06.10.2022 passed by the first Respondent in Na.Ka.M4/29966/2022 referring to the orders passed by this Court dated 09.03.2022 in W.P. No.5340 of 2022 and to survey the land belonging to the petitioner comprised in Old Survey No.201/1, New Survey No.250/28, Patta No.128, measuring an extent of 266 Sq.m situated at



Vellukampattu Village Chetpat Taluk, Thiruvannamalai District, and to install boundary stones around the above said property and also to make necessary changes in the Revenue Records, and to issue patta in favour of the petitioner on sub division.

2. The learned counsel for the petitioner mainly contended that the District Collector issued a direction to conduct survey and fix boundaries and the third respondent / Tahsildar failed to implement the orders of the District Collector. The third respondent has entertained the objections raised by the respondents four to eight without any basis and disobeyed the orders of the District Collector. Thus, the present writ petition is filed.

3. The order of the District Collector is to conduct a survey in a particular property. No doubt, such directions are to be obeyed by the Sub-Ordinate Authorities. However, in the event of any objection from any third party, the field level officials may not be in a position to implement the orders. In such circumstances, the authorities are bound to record such objections and send their report to the District Collector expressing their inability to survey the land. Contrarily, no writ can be entertained to



implement the orders of the District Collector, since the order becomes in-executable on account of objections given by some third persons.

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4. Forcible survey cannot be conducted by the field officials, who all are expected to be neutral in respect of the civil rights between the parties. In the event of any objection from any person, the surveyor cannot enter into the property and conduct survey. Therefore, the parties are to be relegated to approach the Competent Civil Court of Law for the purpose of redressal of their grievances.

5. Once the parties approach the Civil Court, they can file an Interlocutory Application to conduct survey or fix the boundaries or for appointment of an Advocate Commissioner under Order XXVI Rule 4 of the Civil Procedure Code. When the remedies are available under the Code of Civil Procedure, the parties cannot settle the civil disputes through Government Authorities either under the Tamil Nadu Patta Pass Book Act or under the Tamil Nadu Boundaries and Survey Act.



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6. In the present case, the respondents four to eight are raising an objection in respect of the right of the petitioner. That being the factum, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of redressal of her grievances in the manner known to law.

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

03.07.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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