



WEB COPY

W.P.No.21469 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21469 of 2023

S.Rajeswaro

... Petitioner

Vs.

The Tahsildar,
Arakkonam Taluk Office,
Arakkonam Taluk,
Ranipet District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the representation of the petitioner's dated 30.05.2023 for survey the land respect of the property situated at Mel Arumbakkam Village, Arakkonam Taluk, Ranipet District. Comprised in Survey No.238/1 measuring an extent of 1.86 cents (One acre Eighty Six Cents).

For Petitioner

: Mr.S.Inbasagaran

For Respondent

: Mr.E.Sunda Ram,
Government Advocate



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ORDER

The writ petition has been filed for directing the respondent to consider the representation dated 30.05.2023 submitted by the petitioner to survey the land in respect of the property situated at Mel Arumbakkam Village, Arakkonam Taluk, Ranipet District, Comprised in Survey No.238/1 measuring an extent of 1.86 cents.

2. The petitioner states that he is the absolute owner of the land described in the present writ petition. He purchased the subject property from T.Yovan and T.Navaraj on 07.01.2002 for a valid sale consideration. There was a dispute regarding boundaries with Dasarathan and Arul, who all are the owners of the adjacent lands and the dispute is continuing between the parties. The petitioner lodged a police complaint before the Inspector of Police, Arakkonam in C.S.R.No.180 of 2023 dated 22.02.2023. Since it is civil dispute, the police has not initiated any action and thus, the petitioner is constrained to move the present writ petition.



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3. The provisions of the Survey and Boundaries Act, 1923 cannot be utilised for the purpose of resolving the private boundary dispute between parties. The very purpose and object of the Act is to maintain the revenue records by competent revenue authorities and the private disputes are to be resolved only through competent civil court of law. Therefore, the parties, who all are disputing the boundaries in respect of the immovable properties, cannot make an attempt to settle the issues in an indirect manner through the Survey and Boundaries Act, 1923. Now, the settled registers are almost concluded and the Government is now adopting the Survey and Settlement Act, only for the purpose of maintenance of revenue records. Therefore, the applications submitted to survey the land during the subsistence of dispute between the parties cannot be entertained. The parties are to be relegated to the Civil Court of law for the purpose of adjudication of disputed issues.

4. That being the principles, the petitioner has an option to settle the dispute amicable with the other parties or approach the court of law for the purpose of resolving the dispute in the manner known to law.



With these observations, the writ petition stands dismissed. No costs.

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skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

The Tahsildar,
Arakkonam Taluk Office,
Arakkonam Taluk,
Ranipet District.



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S.M.SUBRAMANIAM, J.

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