



W.P.No.21545 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21545 of 2023

and

W.M.P.No.20915 of 2023

D.Kannammal

... Petitioner

Vs.

1.The District Collector,
Erode District,
Erode.

2.The Tahsildar,
Perundurai Taluk,
Perundurai,
Erode District.

3.The Block Development Officer,
Perundurai Panchayat Union,
Perundurai, Erode District.

4.The President,
Sirukalanji Village Panchayat,
Perundurai Taluk,
Erode District.

... Respondents



W.P.No.21545 of

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents to process the petitioner's application dated 06.04.2023 and survey the lands admeasuring 6 acres comprised in Survey Nos.341/3,4,5,6,7,8,9 and 10 in Eleapalanikadu, Sirukalanji Village, Perundurai Taluk, held and possessed of by the petitioner's son and daughters and the sons of Chinnathambi by virtue of Partition Deed dated 10.02.2021.

For Petitioner	: Mr.J.Pothiraj
For Respondents (R1 and R2)	: : Mr.T.Arunkumar, Additional Government Pleader.
(R3 and R4)	: Mr.A.Anandan, Government Advocate.

ORDER

The relief sought for in the present writ petition is to direct the respondents to process the petitioner's application dated 06.04.2023 and survey the lands admeasuring 6 acres comprised in Survey Nos.341/3,4,5,6,7,8,9 and 10 in Eleapalanikadu, Sirukalanji Village, Perundurai Taluk, held and possessed of by the petitioner's sons and daughters and the sons of Chinnathambi by virtue of Partition Deed dated 10.02.2021.



WEB COPY

W.P.No.21545 of



2. Government Surveyors, under the provisions of the Survey and Boundaries Act, cannot confer any title or ownership in respect of the property. The provisions of the Survey and Boundaries Act cannot be expanded for the purpose of resolving the property disputes. In the event of an objection from any person, the Government Surveyor may not be in a position to conduct survey under the Act.

3. The Tamil Nadu Survey and Boundaries Act was enacted in the year 1923, i.e., 100 years back. The very purpose and object of the Act is to settle the unsettled properties during the relevant point of time and to fix the boundaries in respect of unsurveyed properties. Now, the survey process is almost completed and there is no land left for conducting survey at the instance of the Government. Thus, the Act has now been pressed into service only for the purpose of maintenance of Revenue Records by the Government and in the event of any subdivision or otherwise. Therefore, every application submitted under the Survey and Boundaries Act, to conduct survey, need not be entertained



by the competent authorities. Only if such survey is required for the purpose of maintenance of revenue records, then alone the application is to be admitted and considered.

4. There is a growing trend of filing an application to conduct survey for the purpose of resolving the Civil dispute between the parties or to ascertain the title of the property. Such practice at no circumstances be encouraged by the survey authorities and they are incompetent to resolve the Civil dispute or any other dispute of Civil nature. Seeking an order to survey the land along with the police protection are alien to provisions of Survey and Boundaries Act. In the event of any such ambiguity, dispute or objection, the parties have to be relegated to approach the competent Civil Court of Law wherein they can file appropriate application for conducting survey or to verify the boundaries and to establish their rights.



WEB COPY

W.P.No.21545 of



5.In the present case, the petitioner has filed a Civil Suit in O.S.No.36 of 2023 and subsequently, has withdrawn the suit. After withdrawing the suit, the present writ petition is filed.

6.The learned Additional Government Pleader made a submission that there is an objection from the village people and they are demanding for providing pathway in that locality and efforts are also taken in this regard to bring peace and under these circumstances, in the event of considering the present writ petition, there is a likelihood of law and order issue, in that locality. Thus, it is visible that there is an objection from the village people to conduct survey of the said land. If at all the petitioner wishes to establish her Civil right, she has to approach the competent Civil Court of law and by obtaining the order from this Court, the petitioner cannot establish her Civil right and therefore, this Court is not inclined to entertain this writ petition.



WEB COPY

W.P.No.21545 of



7. Accordingly, this Writ Petition stands **dismissed**. No Costs.

Consequently, connected miscellaneous petition is closed.

31.08.2023

veda/sha

Index: Yes

Speaking order

Neutral Citation: Yes

To

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WEB COPY



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S.M.SUBRAMANIAM, J.

veda/sha

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